

*Draft Order laid before the Scottish Parliament under section 16(5) of the Local Governance
(Scotland) Act 2004, for approval by resolution of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

REPRESENTATION OF THE PEOPLE

**The Scottish Local Government Elections
Amendment (No. 2) Order 2016**

<i>Made</i>	-	-	-	-	2016
<i>Coming into force</i>	-	-			2016

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1) and 16(2) and (3) of the Local Governance (Scotland) Act 2004⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 7(1) and (2)(j) of the Political Parties, Elections and Referendums Act 2000⁽²⁾, they have consulted the Electoral Commission.

In accordance with section 16(5) of the Local Governance (Scotland) Act 2004, a draft of the Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and transitional provision

1.—(1) This Order may be cited as the Scottish Local Government Elections Amendment (No. 2) Order 2016 and comes into force on the day after the day on which it is made.

(2) The amendments made by this Order do not apply in relation to an election for which the date of poll is before 4th May 2017.

Amendment of the Scottish Local Government Elections Order 2011

2. The Scottish Local Government Elections Order 2011⁽³⁾ is amended as follows.

3. In schedule 1 (Scottish local government election rules)—

(a) in rule 25 (equipment of polling stations)—

(i) in paragraph (4), omit the words after “outside every polling station”; and

(ii) after paragraph (4), insert—

(1) 2004 asp 9. Section 3 was amended by section 34(6) of the Local Electoral Administration and Registration Service (Scotland) Act 2006 (asp 14).
(2) 2000 c.41. Section 7(2)(j) was added by section 12 of the Local Electoral Administration (Scotland) Act 2011 (asp 10).
(3) S.S.I. 2011/399, amended by S.S.I. 2012/60, S.S.I. 2012/342 and S.S.I. 2016/7.

“(4A) A notice in the form set out in Form 13A, or a form to the like effect, giving directions for the guidance of voters in voting, shall be exhibited in every compartment of every polling station.”;

(b) in rule 43 (the count)—

(i) in paragraph (1)(b), omit “if required to do so by a candidate or an election agent,”;

(ii) in paragraph (5), for the words from “Where under” to “do so” substitute “The returning officer shall verify each ballot paper account”; and

(iii) in paragraph (5), for “, which any election agent may copy” substitute “and shall, on request, supply a copy of that statement to any election agent”;

(c) in rule 44 (rejected ballot papers), in paragraph (1)(a) after “electronic” insert “or other”; and

(d) in Part VII (forms for use at Scottish local government elections)—

(i) for Forms 1 and 8 to 12, substitute the equivalently numbered forms which are set out in the schedule of this order;

(ii) for Form 13, substitute the forms numbered 13 and 13A which are set out in that schedule; and

(iii) for Forms 14 and 15, substitute the equivalently numbered forms which are set out in that schedule.

4. In schedule 2 (modifications where poll at local government election is taken together with poll at another election), omit paragraph 22.

5. Omit schedule 4 (form of postal voting statement).

Amendment of the Representation of the People Act 1983

6. After subsection (5) of section 76 (limitation of election expenses) of the Representation of the People Act 1983⁽⁴⁾, insert—

“(5A) The maximum amount mentioned above for a candidate at a local government election in Scotland is not required to cover—

(a) the candidate’s personal expenses;

(b) expenses that are reasonably attributable to the candidate having a physical or mental impairment that has a substantial and long-term adverse effect on the candidate’s ability to carry out normal day-to-day activities.”.

Revocation

7. In the Scottish Local Government Elections Amendment Order 2016⁽⁵⁾, in article 2 (amendment of the Scottish Local Government Elections Order 2011) omit—

(a) paragraph (f); and

(b) the word “and” immediately before it.

(4) 1983 c.2.

(5) S.S.I. 2016/7.

St Andrew's House, Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 3(d)

Forms to be substituted

Form 1

Rule 3

[INSERT NAME OF COUNCIL] COUNCIL
NOTICE OF ELECTION

Councillors are to be elected for each of the (insert number of wards) wards of (insert name of Council) Council. The number of councillors to be elected for a ward is as follows.

Name of ward
(insert name(s) of wards)

Number of councillors to be elected
(insert number)

Nomination Forms can be obtained from the Election Office, (insert address (es)). This Office is/These Offices are* open for the issue and delivery of nomination papers on weekdays excluding (insert details of any dies non) from 10 a.m. to 4 p.m.

Completed nomination papers **MUST** be delivered to the Election Office at the above address/at one of the above addresses* by **4 p.m.** on (insert closing date).

An election will be held in each contested ward and voting will take place between 7 a.m. and 10 p.m. on **Thursday** (insert date of poll).

Any elector may apply for a postal or proxy vote at this election.

Postal or Proxy Voting

If an elector is away or cannot go to the polling station on [day] [date of poll], they can do one of the following:

- Apply to vote by post. Completed applications must reach the Electoral Registration Officer **before 5pm on [day] [date of deadline]**. If you are given a postal vote, you will not be able to vote in person at this election.

OR

- Apply to vote by proxy (this means someone else can vote on their behalf). Completed applications must reach the Electoral Registration Officer **before 5pm on [day] [date of deadline]**. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

To find out how to apply, call the helpline immediately.

If after 5pm on [the sixth day before the date of the poll] you are unable to vote in person because you:

- Have a **medical emergency** after 5pm on [day] [date of deadline]
- Learn you cannot go to the polling station because of work reasons

you can apply to vote by proxy. Completed applications must reach the Electoral Registration Officer **before 5pm on [day] [date of deadline]**. To find out how to apply, call the helpline immediately.

i **If you need any help or for advice on postal or proxy voting, please contact us.**
[Returning Officer to add helpline and other contact details, including website if appropriate]

(insert effective date of notice)

*Delete where inapplicable

Form 8
(front of form)

Rule 21

THIS FORM IS FOR *

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT LOCAL
GOVERNMENT ELECTION FOR
(INSERT NAME OF COUNCIL)

Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.

Please read the instructions carefully and use a black pen.

*Name _____ Ballot paper number _____

*Returning Officer to insert name but omit where sent to an anonymous elector

(!) Check that the number on the back of your ballot paper matches the number shown above.
If they do not match, call us **immediately** on *(insert helpline number)*

I am the person the ballot paper numbered above was sent to.

My date of Birth is:

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Day

--	--

Month

--	--	--	--

Year

*My signature is:
(You must sign inside the box)

*Returning Officer to omit box where
the elector has been granted a waiver

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We will check this information against our records for security.

It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.

Returning Officer to add pictorial guidance as appropriate.