

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 1: Electoral Administration

Observers

Section 8 Observers: individuals

13. This section allows for individual observers, over the age of 16, to apply to attend and observe proceedings at a local government election. The proceedings that may be observed are the issue and receipt of postal votes, the poll and the count. Applicants will need to apply to returning officers for permission to attend and returning officers will have the power to refuse or revoke an application and must give the reasons for their decision in writing.

Section 9 Observers: organisations

14. This section allows organisations to apply for nominated members to attend and observe those same proceedings which an individual observer may attend. Applicants will need to apply to returning officers for permission to attend and returning officers will have the power to refuse or revoke an application but they must give the reasons for their decision in writing. Returning officers also have the power in granting an application to limit the number of observers nominated by an organisation who may attend proceedings at any one time.

Section 10 Attendance of observers

15. This section allows relevant officers to limit the number of observers present at any one time at election proceedings. Subsection (2) sets out that the term “observers” covers those who have been given permission to attend under sections 8(2) and 9(3). Subsection (2) defines “relevant officer” as being the returning officer (in relation to proceedings other than those at a polling station), the presiding officer (in relation to proceedings at a polling station) or any other person authorised by a returning officer or presiding officer for the purposes of those proceedings.

Section 11 Code of practice on attendance of observers at elections etc.

16. This section requires Scottish Ministers to prepare and publish a code of practice to regulate the processes involved in applying for access as an observer and determining applications and any subsequent revocations of permissions for access. The code of practice will reflect existing legislation governing the conduct of those attending

*These notes relate to the Local Electoral Administration and Registration Services
(Scotland) Act 2006 (asp 14) which received Royal Assent on 1 August 2006*

election proceedings and relevant officers must have regard to the code when carrying out any function connected with sections 8, 9 and 10.