
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.