

POLICY NOTE

THE SCOTTISH LOCAL GOVERNMENT ELECTIONS AMENDMENT ORDER 2016

SSI 2016/7

1. The Scottish Local Government Elections Amendment Order 2016 is made in exercise of the powers conferred by sections 3(1) and 16(2)(a) of the Local Governance (Scotland) Act 2004. The Order is subject to negative procedure.

Policy Objectives

2. The Scottish Local Government Elections Amendment Order 2016 amends the Scottish Local Government Elections Order 2011 (SSI 2011/399).
3. This Order makes provision as a consequence of the reduction of the voting age at local government elections to 16 effected by the Scottish Elections (Reduction of Voting Age) Act 2015. In addition it also makes minor changes in relation to the appointment of polling and count staff.
4. The changes made in the Order are as follows:
 - Article 2(a) requires that the returning officer must not knowingly appoint polling staff who have been employed by or on behalf of a candidate in connection with the election. The appointment of such persons as polling staff has been prohibited for some time. The change is the addition of “knowingly”, which makes the provision consistent with provision for the May 2016 Scottish Parliament polls.
 - Article 2(b) and (c) recognises that 16 and 17 year olds will attend polling stations as voters in their own right and applies the existing provisions relating to the requirement of secrecy and admission to polling stations that already apply to other voters.
 - Article 2(d) and (f) allows 16 and 17 year olds to assist voters with disabilities and adapts the declaration that the person providing assistance must make.
 - Article 2(e) requires that the returning officer must not knowingly appoint count staff who have been employed by or on behalf of a candidate in connection with the election. This brings local government provision into line with the provision for the May 2016 Scottish Parliament polls.
 - Article 3 revokes provisions which no longer serve any practical purpose.

Consultation

5. In addition to the statutory requirement to consult with the Electoral Commission, the Scottish Government consulted with the Electoral Management Board for Scotland and the Electoral Registration Committee of the Scottish Assessors Association during the preparation of this draft Order. None of these bodies had any substantive comments.

Impact Assessments

6. This Order has no impact on the environment, equality, privacy or children's rights and therefore no Impact Assessments are required for those areas.

Business and Regulatory Impact Assessment (BRIA)

7. The Scottish Government does not consider that that a BRIA is necessary as the policy changes will not lead to any new costs or savings for business, third or public sector organisations, regulators or consumers. There is no new additional cost on the public sector as the Scottish Government will meet the costs of associated activity and there is no transfer of costs or benefits from one group to another.

Scottish Government
Directorate for Strategy and Constitution
January 2016