

2020 No. 239

REPRESENTATION OF THE PEOPLE

**The Scottish Local Government Elections Amendment Order
2020**

<i>Made</i>	- - - -	<i>7th August 2020</i>
<i>Laid before the Scottish Parliament</i>		<i>11th August 2020</i>
<i>Coming into force</i>	- -	<i>9th September 2020</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1)(a) and 16(2)(a) and (3) of the Local Governance (Scotland) Act 2004(a) 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(b), they have consulted the Electoral Commission.

Citation, commencement, and transitional provision

1.—(1) This Order may be cited as the Scottish Local Government Elections Amendment Order 2020 and comes into force on 9 September 2020.

(2) The amendments made by this Order have no effect in relation to an election for which the notice of election is published on or before the day on which this Order comes into force.

Amendment of the Scottish Local Government Elections Order 2011

2. Schedule 1 of the Scottish Local Government Elections Order 2011(c) (rules for conduct of a Scottish local government election where the poll is not taken together with the poll at another election) is amended in accordance with articles 3 to 10.

3. In rule 4 (nomination of candidates)—

- (a) in paragraph (2) omit “and the candidate’s home address in full”,
- (b) after paragraph (9) insert—

“(10) The nomination paper must be accompanied by a form (in these rules referred to as a “home address form”), which states—

- (a) the candidate’s—
 - (i) full name,
 - (ii) home address in full, and

(a) 2004 asp 9. Section 3 was amended by section 34(6) of the Local Electoral Administration and Registration Service (Scotland) Act 2006 (asp 14).
(b) 2000 c.41. Section 7(2)(j) was added by section 12 of the Local Electoral Administration (Scotland) Act 2011 (asp 10).
(c) S.S.I. 2011/399 (“the 2011 Order”). Amended by S.S.I. 2012/60, S.S.I. 2012/342, S.S.I. 2016/7 and S.S.I. 2016/354.

- (iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (12), qualifying addresses,
 - (b) which of the qualifications mentioned in paragraph (12) the qualifying address or qualifying addresses stated relate to,
 - (c) the witness's—
 - (i) full name,
 - (ii) home address in full.
- (11) The home address form—
- (a) may contain a statement made and signed by the candidate that they require their home address to be made public and,
 - (b) if it does not do so, it must—
 - (i) where the candidate's home address is in the United Kingdom, state the name of the relevant area,
 - (ii) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(12) In this rule—

“witness” means the person who witnesses the candidate's signature in accordance with rule 6(1),

“qualifying address” means—

- (a) where the candidate has selected option (a) on the Nomination Paper, the address in full in respect of which the candidate is so registered as a local government elector,
- (b) where the candidate has selected option (b) on the Nomination Paper, a description and the address of that land or premises which the candidate has occupied as owner or tenant,
- (c) where the candidate has selected option (c) on the Nomination Paper, the address of that place of work,
- (d) where the candidate has selected option (d) on the Nomination Paper, the address or addresses in full where the candidate has so resided.

“relevant area” means—

- (a) in relation to a home address in Scotland, the local government area in which the address is situated,
- (b) in relation to a home address in Northern Ireland, the local government district in which the address is situated,
- (c) in relation to a home address in England—
 - (i) if the address is within a district for which there is a district council, that district,
 - (ii) if the address is within a county in which there are no districts with councils, that county,
 - (iii) if the address is within a London borough, that London borough,
 - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London, and
 - (v) if the address is within the Isles of Scilly, the Isles of Scilly.
- (d) in relation to a home address in Wales—
 - (i) if the address is within a county, that county,
 - (ii) if the address is within a county borough, that county borough.”.

4. In rule 6(3) (subscription of nomination paper) omit “and home address”.

5. In rule 7 (decisions as to validity of nomination papers)—

- (a) in paragraph (1) for “nomination paper is” substitute “nomination paper and a home address form are”,
- (b) in sub-paragraph (1)(a) after “nomination paper” insert “or the home address form”,
- (c) after paragraph (2) insert—

“(2A) The returning officer is entitled to hold a home address form invalid only if it does not comply with the requirements of rule 4(10) or 4(11).”
- (d) in paragraph (3) after “each nomination” insert “paper and home address form”,
- (e) in paragraph (6)—
 - (i) for “nomination paper is” substitute “nomination paper and a home address form are” and
 - (ii) for “such nomination paper” substitute “such home address form”.

6. In rule 10 (correction of errors in nomination papers)—

- (a) in paragraph (1) after “nomination paper” insert “or a home address form”,
- (b) in sub-paragraph 2(a), omit “and”,
- (c) after sub-paragraph (2)(b) insert—

“(c) errors as to the information mentioned in rule 4(11)(b).”

7. After rule 11 (inspection of nomination papers) insert—

“Inspection of home address forms

11A.—(1) During ordinary office hours on any day, other than a day specified in rule 2(1), after expiry of the 24 hour period after the latest time for delivery of nomination papers but before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—

- (a) a person standing nominated as a candidate (“candidate B”) in the same local government area as candidate A,
- (b) the election agent of candidate B, or
- (c) where candidate B is acting as their own election agent, any person nominated by candidate B.

(2) Nothing in this rule permits any person to take a copy of, or extracts from, any home address form.

(3) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”.

8. In rule 14 (ballot papers)—

- (a) in sub-paragraph (2)(a) omit “, addresses”,
- (b) after sub-paragraph (2)(a) insert—
 - “(aa) where the candidate has made and signed a statement on the home address form that they require their home address to be made public in accordance with rule 4(11)(a), the candidate’s home address;
 - (ab) where the candidate has not made and signed a statement on the home address form that they require their home address to be made public in accordance with rule 4(11)(a), the relevant area in which the candidate’s home address is located or, as the case may be, the country in which the candidate’s home address is located (for the definition of relevant area, see rule 4(12));”.

9. After rule 60 insert—

“Destruction of home address forms

60A.—(1) The returning officer must destroy each candidate’s home address form—

- (a) on the next day following the 35th day after the officer has returned the name of the candidate or candidates elected for that electoral ward, or
- (b) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings.

(2) For the purposes of calculating the period in paragraph (1), any day falling within rule 2(1) must be disregarded.”.

10. In Part VII (forms for use at Scottish local government elections) for the following forms substitute the corresponding forms set out in the schedule of this Order—

- (a) Form 2 (Nomination Paper),
- (b) Form 3 (Notice of Uncontested Election),
- (c) Form 4 (Ballot Paper),
- (d) Form 5 (Directions as to the printing of the Ballot Paper),
- (e) Form 7 (Notice of Poll).

St Andrew’s House,
Edinburgh
7th August 2020

GRAEME DEY
A member of the Scottish Government

SCHEDULE

Article 10

Amended forms for use at Scottish local government elections

Form 2

(Rule 4)

NOMINATION PAPER ELECTION OF COUNCILLORS

for the

(Name) Electoral Ward

of (Name) Council

Day of Election: (insert day and date)

I, the undersigned, am hereby nominated as a candidate at the said election.

Candidate's surname

Other names in full

**Commonly used surname (in terms of
rule 4(3)) (if any)**

**Commonly used forenames (in terms of
rule 4(3)) (if any)**

**Description (in terms of rule 4(6) to (9)) (if
any)**

I, the nominee for election, consent to being nominated as a candidate for the (name) electoral ward of (name) Council.

I declare that I am qualified to be elected; that I have attained the age of 18 years and am a qualifying Commonwealth citizen or a citizen of the Irish Republic or a qualifying foreign national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:—

- *(a) I am registered as a local government elector for the (Name of Council) local government area as in the register of electors and my electoral number is (see note 5).
- *(b) I have during the whole of the twelve months preceding the day of nomination occupied as owner or tenant land or premises in the area named above.
- *(c) I have during the twelve months preceding the day of my nomination had my principal or only place of work in the area named above.
- *(d) I have during the whole of the twelve months preceding my nomination resided in the area named above.

*Delete where inapplicable

I declare that

- (a) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973(a), a copy of which is printed overleaf;

(a) 1973 c.65.

- (b) I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989(a), under a local authority within the meaning of Part 1 of that Act;
- (c) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(b).

Signature of Candidate

Date

Signature of Witness

Name of witness

Date

Note 1 The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to the nominations in the local government elections rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.

Note 2 Where a candidate is commonly known by some title, the candidate may be described by the title as if it were the candidate's surname.

Note 3 If a candidate's nomination paper gives a commonly used surname or forename in addition to or instead of another name the nomination paper may state the commonly used forename or surname in addition to or instead of the other name.

Note 4 But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the returning officer thinks—

- (a) that the use of the commonly used name is likely to mislead or confuse electors; or
- (b) that the commonly used name is obscene or offensive.

Note 5 A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.

Back of nomination paper

(Here, print a copy of section 31 of the Local Government (Scotland) Act 1973, section 1(1) of the Local Government and Housing Act 1989, and section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.)

(a) 1989 c.42.
 (b) 2000 asp 7.

NOTICE OF UNCONTESTED ELECTION

ELECTION OF COUNCILLORS FOR (INSERT NAME OF COUNCIL)

Day and date of election

The following candidate(s) were validly nominated for the electoral ward(s) mentioned below and, as the number of candidates nominated for each of the ward(s) was equal to or less than the number of councillors to be returned, no poll will take place, and by not later than 11 a.m. on the day of election the candidate(s) shall be declared to be elected a councillor(s) for the (Name of Council).

Electoral Ward(s)	Name(s) of candidate(s) remaining validly nominated*	Description (if any)	**Address(es) (including current address if appropriate) or relevant area or country

*Where the candidate has given a commonly used surname or forename on that candidate's nomination form, it is that commonly used surname or forename (instead of any other name) that will appear on the Notice of Uncontested Election

** The candidate's address will appear on the notice of uncontested election in accordance with what has been provided by the candidate in the home address form. The address shall appear where the candidate has made a signed statement that they require the address to be made public. The relevant area (as defined in rule 4(12)) or the country outside the United Kingdom where the candidate's home address is located shall appear where the candidate has not made a signed statement that they require the address to be made public.

Signed
(Returning Officer)

Date






BALLOT PAPER

Front of ballot paper

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number of candidates) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice.
Put the number **2** in the voting box next to your **second** choice.
Put the number **3** in the voting box next to your **third** choice. **And so on.**

<p>ANDERSON Hans (address in [<i>relevant area or country</i>]) Rowan Party</p>		<input type="checkbox"/>
<p>CRANSTON Helen 912 Main Street, Anytown Beech Party</p>		<input type="checkbox"/>
<p>FLEMING Douglas Martin 112 South Street, Anytown Independent</p>		<input type="checkbox"/>
<p>HAMILTON Flora (address in [<i>relevant area or country</i>]) Willow Party</p>		<input type="checkbox"/>
<p>KUMAR Kuldip (address in [<i>relevant area or country</i>]) Elm Party</p>		<input type="checkbox"/>
<p>MACDONALD Donald Alexander 4 Elgin Ave, Anytown Oak Party</p>		<input type="checkbox"/>
<p>MACKENZIE Robert William Sutherland (address in [<i>relevant area or country</i>]) Independent</p>		<input type="checkbox"/>

MASTERS Susan Caroline
93 Holyrood Road, Anytown
Sycamore Party



Back of Ballot Paper

Number and unique identifying mark

Election for the (insert name) Ward of (insert council name) on20

DIRECTIONS AS TO THE PRINTING OF THE BALLOT PAPER

1. (a) Nothing is to be printed on the front of the ballot paper except in accordance with these directions.
 - (b) In these directions the phrase “[number to be elected] of the candidates listed below will be elected. You can make as many or as few choices as you wish. Put the number 1 in the voting box next to your first choice. Put the number 2 in voting box next to your second choice. Put the number 3 in the voting box next to your third choice. And so on.” is referred to as “the introductory text”.
 - (c) In these directions the phrase “particulars” refers to a candidate’s name (including commonly used forename or surname), descriptions (if any), political party and home address (where the candidate has required that it be made public) or relevant area or country where their home address is located (where the candidate has not required that their home address be made public).
2. So far as is practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) no word shall be printed on the face except the particulars of the candidates, the words forming part of emblems, the name of the council, ward name and the introductory text;
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and from the name of the council, ward name and the introductory text;
 - (c) the whole space between each horizontal rule below the name of the council, ward name and the introductory text shall be 25 mm; and
 - (d) the width of the ballot paper shall be a minimum of 180 mm.
 3. Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one row of candidates’, descriptions or the word “Independent”, candidates’ particulars, party emblems and spaces where the vote is to be marked.
 4. The distance between the horizontal rules containing the name of the council, ward name and the introductory text shall be 55 mm and—
 - (a) the name of the council and ward name shall be printed in large capitals, Arial 12 point and centred;
 - (b) the introductory text shall be Arial 13 point and:—
 - (i) the first two lines;
 - (ii) the numbers “1”, “2” and “3”; and
 - (iii) the words “first”, “second” and “third” and “And so on”shall all be printed in bold.
 5. Where an emblem is to be printed against a candidate’s particulars—
 - (a) it shall be printed between the candidate’s particulars and the voting box where the vote is to be marked; and
 - (b) its size as printed shall be 20 mm square.

6. The voting box where the vote is to be marked shall be 21 mm square.
7. The names of each candidate shall in all cases be printed in Arial 14 point and—
 - (a) all candidates' surnames are to be printed in large capitals and in bold;
 - (b) all candidates' other names are to be printed in ordinary type except if a candidate has the same surname as another candidate, in which case both candidates' other names are to be printed in small capitals.
8. All candidates' addresses (where a candidate has required their address to be made public) or the relevant area/country in relation to the candidate, as the case may be, shall be printed in Arial 12 point, ordinary type except if a candidate has the same surname and other names as another candidate in which case both candidates' addresses are to be printed in Arial 12 point, small capitals.
9. Any description used by a candidate shall be printed in Arial 12 point, ordinary type and in bold.
10. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.

(INSERT NAME OF COUNCIL)
NOTICE OF POLL

ELECTION OF COUNCILLORS

1. Polling will take place between the hours of 7 a.m. and 10 p.m. on (day and date of election) for the election of the number of councillors indicated below for each of the under-mentioned electoral wards, there remaining in each case more validly nominated candidates than the number of councillors to be elected.

2. The name, description (if any) and address of each candidate remaining validly nominated are as follows—

Electoral Ward	Number of councillors to be elected	*Candidate's Surname (including present name if appropriate)	*Other names in full (including present names if appropriate)	Description (if any)	**Address (including current address if appropriate) or relevant area or country

*Where the candidate has given a commonly used surname or forename on that candidate's nomination form, it is that commonly used surname or forename (instead of any other name) that will appear on the Notice of Poll.

** The candidate's address will appear on the notice of poll in accordance with what has been provided by the candidate in the home address form. The address shall appear where the candidate has made a signed statement that they require the address to be made public. The relevant area (as defined in rule 4(12)) or the country outside the United Kingdom where the candidate's home address is located shall appear where the candidate has not made a signed statement that they require the address to be made public.

3. The persons entitled to vote as electors at this election are the persons registered in the register of electors for the respective electoral wards, but a person whose name is so registered may not vote if the entry in the said register gives as the date on which the person will become of voting age a date later than the day fixed for the poll.

Signed

(Returning Officer)

Date

*Delete where inapplicable

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Scottish Local Government Order 2011 (“the 2011 Order”).

Article 3 of the Order removes the requirement in rule 4 of the Scottish local government elections rules (set out in schedule 1 of the 2011 Order) for the home address of a candidate at a Scottish local government election to appear on the nomination paper. It introduces the new “home address form” which must accompany a nomination paper. The candidate may state on the home address form that they require their home address to be made public for the purposes of the nomination. If they do not do so, the home address form must state the relevant area or, as the case may be, the country outside the United Kingdom, in which the candidate’s home address is located. Article 4 removes the requirement for the address of the person who witnesses the candidate’s subscription to the nomination paper to appear on the nomination paper.

Article 5 amends rule 7 of the Scottish local government election rules to provide that the nomination shall not be valid if the nomination paper is not accompanied by a valid home address form and provides the basis upon which the returning officer may find the home address form invalid.

Article 6 amends rule 10 of the Scottish local government election rules to make provision allowing the returning officer to correct minor errors in the home address form. Article 7 makes provision in relation to the inspection of home address forms.

Article 8 amends rule 14 of the Scottish local government elections rules in relation to ballot papers in consequence of the introduction of home address forms.

Article 9 makes provision in relation to the destruction of home address forms.

Article 10 makes provision for new standard forms to be substituted into the 2011 Order in consequence of the introduction of home address forms.

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