

Draft Order laid before Parliament under section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2007 No.

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

LOCAL GOVERNMENT, SCOTLAND

**The Local Electoral Administration and Registration Services
(Scotland) Act 2006 (Consequential Provisions and
Modifications) Order 2007**

Made - - - - - *2007*

Coming into force - - - - - *3rd May 2007*

The Secretary of State makes the following order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (4) and (5) of the Scotland Act 1998(a);

In accordance with section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This order may be cited as the Local Electoral Administration and Registration Services (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007.

(2) This order shall come into force on 3rd May 2007.

(3) Article 2(3)(b) and (c) and (5) of this order extends to England and Wales and Northern Ireland only.

(4) The other provisions of this order extend to the whole of the United Kingdom.

The Representation of the People Act 1983

2.—(1) The Representation of the People Act 1983(b) is amended as follows.

(a) 1998 c.46.

(b) 1983 c.2.

(2) In section 62B (Scottish local government elections: offences relating to applications for postal and proxy votes)(a), at the end insert–

“(7) This subsection and subsection (6) extend to the whole of the United Kingdom, but otherwise this section extends only to Scotland.”.

(3) In section 160 (persons reported personally guilty of corrupt or illegal practices)(b)–

- (a) in subsection (4A) for “or 62A” substitute “, 62A or 62B”;
- (b) in subsection (5A), the words “to subsection (5B) below and” are repealed; and
- (c) subsection (5B) is repealed.

(4) In section 173(2) (incapacities on conviction of corrupt or illegal practice)(c), for “or 62A” substitute “, 62A or 62B”.

(5) In section 173A (incapacity to hold public or judicial office in Scotland)(d), the following provisions are repealed–

- (a) in subsection (1), the words “to subsection (3) and”; and
- (b) subsection (3).

The Electoral Administration Act 2006

3. In Schedule 1 to the Electoral Administration Act 2006(e), in Part 7 (miscellaneous amendments), paragraphs 120(3) and (4) and 123 are repealed.

Parliamentary Under Secretary of State Scotland Office,
Department for Constitutional Affairs,

Dover House,
London

2007

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- (a) Section 62B was inserted by section 15 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 asp 14.
 - (b) Section 160 was amended by the Political Parties, Elections and Referendums Act 2000 c.41 section 137 and Schedule 17, paragraph 8, by the Local Electoral Administration and Registration Services (Scotland) Act 2006 asp 14 section 34(2) and by the Electoral Administration Act 2006 c.22 Schedule 1, paragraph 120. There have been other amendments not relevant to this Order.
 - (c) Section 173 was amended by the Political Parties, Elections and Referendums Act 2000 c.41 section 136 and by the Electoral Administration Act 2006 c.22, Schedule 1, paragraph 122. There have been other amendments not relevant to this Order.
 - (d) Section 173A was inserted by the Political Parties, Elections and Referendums Act 2000 c.41 section 136. Section 173A was amended by the Local Electoral Administration and Registration Services (Scotland) Act 2006 asp 14 section 34(3) and by the Electoral Administration Act 2006 c.22, Schedule 1, paragraph 123.
 - (e) 2006 c.22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Local Electoral Administration and Registration Services Act 2006 (asp 14) (“the Act”). The Act creates an offence at section 15 (Offences relating to applications for postal and proxy votes) by inserting a new section 62B (Scottish local government elections: offences relating to applications for postal and proxy votes) into the Representation of the People Act 1983 (“the 1983 Act”).

Section 62B provides that a person committing certain specified offences when applying for postal and proxy votes will be guilty of a corrupt practice. Sections 160 and 173 of the 1983 Act set out the effects, for electoral purposes, of being found guilty of a corrupt practice.

Sections 160(5A) and 173A already make provision preventing a person found guilty of a corrupt practice from holding public office in Scotland.

Article 2 amends sections 160, 173 and 173A to include the section 62B offence with the result that a person found guilty of a corrupt practice, committed at a Scottish local government election, will also be prevented from standing as a candidate or being elected at elections to the European, United Kingdom or Scottish Parliaments.

As a consequence of the changes made by article 2, article 3 repeals provisions in the Electoral Administration Act 2006 c.22 which are no longer necessary.

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DRAFT STATUTORY INSTRUMENTS

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