

SCHEDULE I

Article 3

1. The 1973 Act.

Section 29 as modified by paragraph 3 of Schedule 2 to the 1994 Act (Qualifications for nomination, election and holding office)

Section 31(1), (2) and (3)(1) (Disqualifications for nomination, election and holding office)

Section 32 (Proceedings for disqualification)

Section 33 (Validity of acts)

Section 33A(2) (Declaration of acceptance of office)

Section 36 (Casual vacancies)

Section 37(1) and (3) (Filling of casual vacancies).

2. The Local Authorities (Councillors) (Declaration of Acceptance of Office) (Scotland) Order 1990(3).

SCHEDULE II

Article 4

The 1983 Act

Column 1	Column 2
Section 10 (Preparation of registers)	For section 10 there shall be substituted— “With a view to the preparation of registers, the registration officer shall have regard to any action which he has taken or subsequently takes, with a view to the preparation of the register of parliamentary electors for each constituency or part of a constituency in the area for which he acts and the register of local government electors for the areas of regions and districts or parts of areas of regions and districts included in the area for which he acts, being— (a) the house to house or other sufficient inquiry he has made; (b) the electors lists which he has published on or before 28th November 1994 including any alterations which he subsequently makes to those lists; and (c) all claims for registration and objections to a person’s registration which he determines or has determined.”.
Section 31(2) (Polling districts for local elections)	For section 31(2) there shall be substituted— “In Scotland, for elections of councillors, the returning officer may divide an electoral ward

(1) Section 31 was relevantly amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 3, paragraph 13, the Representation of the People Act 1983 (c. 2), Schedule 8, paragraph 15(b), the Bankruptcy (Scotland) Act 1985 (c. 66), Schedule 7, paragraph 12, and the Local Government and Housing Act 1989 (c. 42), Schedule 12, Part II.  
(2) Section 33A was added by the Local Government and Housing Act 1989, section 30(1).  
(3) S.I. 1990/956.

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Column 1	Column 2
Section 41	<p>into polling districts but in the absence of any such division, the polling districts of a ward shall be those which were last designated for the purposes of parliamentary elections under section 18 above.”.</p> <p>After section 41 there shall be inserted—</p> <p style="padding-left: 40px;"><b>“41A.—(1)</b> The council of a region shall place at the disposal of the returning officer acting in respect of a local government area situated in the area of that region, for the purpose of assisting the returning officer in the discharge of his functions in that respect, the services of officers employed by that council.</p> <p style="padding-left: 40px;">(2) The council of a district shall, if so requested by the returning officer acting in respect of a local government area wholly or partly situated in the area of that district, place at the returning officer’s disposal, for the purpose of assisting him as mentioned in subsection (1) above, the services of officers employed by that council.”.</p>
Section 42(6) (Advance expenses of elections)	For the words “for that area” substitute the words “which appointed the returning officer”.
Section 54(4) (Payment of expenses of registration)	For the words “local authority” wherever they occur substitute the words “regional council”.
Section 67(7)(b) (Meaning of “appropriate officer”)	For the words after “election,”, to the end substitute the words “the returning officer”.
Section 131(1) (Accommodation for court)	For the words “authority for which the election was held” substitute the words “regional council which appointed the returning officer”.
Section 134(5) (Expenses of sheriff principal)	For the words “authority for which the election was held” substitute the words “returning officer” and for the words “that authority” substitute the words “that returning officer”.
Section 200(1A)(5) (Public notices)	For the words “a local authority” substitute the words “the regional council which appointed the returning officer”.
Section 204(1) (Application to Scotland)	<p>(i) For the definition of “local authority” there shall be substituted (except for the purposes of section 47(2)(b) of the 1983 Act) the following definition:—</p> <p style="padding-left: 40px;">““local authority” means a new local authority within</p>

(4) Section 54 was amended by the Representation of the People Act 1985 (c. 50), Schedule 4, paragraph 14.

(5) Section 200 was amended by the Representation of the People Act 1985, Schedule 4, paragraph 68.

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Column 1	Column 2
	the meaning of the Local Government (Transitional Election Arrangements) (Scotland) Order 1994;”;
	(ii) For the definition of “local government Act” there shall be substituted the following definition:— ““local government Act” means the Local Government etc. (Scotland) Act 1994;”;
	(iii) For the definition of “local government area” there shall be substituted the following definition:— ““local government area” means the area of a local authority;”;
	(iv) After the definition of “local government election” there shall be inserted the following definitions:— ““registration officer” means an electoral registration officer appointed under section 8(3) above; “returning officer” in relation to the election of councillors to local authorities on 6th April 1995, means the officer appointed under paragraph 2(1) of Schedule 2 to the Local Government etc. (Scotland) Act 1994 and, in relation to any election to fill a casual vacancy in the membership of a local authority taking place between 6th April 1995 and 1st April 1996, means such officer appointed under section 41(1) above as applied by article 4 of and as modified by article 6 of and Schedule IV to the Local Government (Transitional Election Arrangements) (Scotland) Order 1994.”.

SCHEDULE III

Article 5

The 1983 Act

Column 1	Column 2
Section 41(1) (Appointment of returning officer)	For section 41(1) there shall be substituted— “If the returning officer dies, resigns or is for any other reason unable to act, the council which appointed him may appoint another person to be

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Column 1	Column 2
Section 41(2) (Discharge of functions of returning officer)	returning officer at the election of councillors to be held on 6th April 1995.”.  After the word “Act” insert the words “or under the Local Government etc. (Scotland) Act 1994”.

## SCHEDULE IV

Article 6

## The 1983 Act

Column 1	Column 2
Section 41(1) (Appointment of returning officer)	For section 41(1) there shall be substituted— “Every regional council in Scotland shall appoint an officer of that authority to be the returning officer for any election to fill a casual vacancy in the membership of a local authority whose area falls within the area of that region, taking place between 6th April 1995 and 1st April 1996, and if the person so appointed dies, resigns or is for any other reason unable to act, that council may appoint another person to be returning officer at that election.”.
Section 42(5) (Expenses of election)	For the words “of that authority” substitute the words “which appointed him”.

## SCHEDULE V

Article 8

## PART 1

Column 1	Column 2
<b>1. The 1986 Regulations</b>	
Regulation 4	For the definition of “electoral area”, there shall be substituted the following definition:— ““electoral area” means an electoral ward within the meaning of section 5 of the Local Government etc. (Scotland) Act 1994;”.
Regulation 5	In paragraph (1)(a), for the words “regulations 37, 38 and 56”, substitute the words “regulation 56”.
Regulations 6 to 29	
Regulations 45 to 50	

Column 1	Column 2
Regulation 51 (except paragraph (1A)(6))	
Regulations 52 to 61	
Regulation 62	In paragraphs (4)(a) and(5), for the words “local authority”, substitute the words “regional or islands council”(7).
Regulations 63 to 93	
Regulation 94	In paragraph (1), for the words “authority to which councillors are to be elected”, substitute the words “regional council which appointed that returning officer”.
In Schedule 2, Forms C, K and L	

## PART 2

### 2. The 1986 Regulations

Regulation 4	For the definition of “electoral area”, there shall be substituted the following definition:— ““electoral area” means an electoral ward within the meaning of section 5 of the Local Government etc. (Scotland) Act 1994;”.
Regulations 5 to 50	
Regulation 51 (except paragraph (1A))	
Regulations 52 to 61	
Regulation 62	In paragraphs (4)(a) and (5), for the words “local authority”, substitute the words “regional or islands council”.
Regulations 63 to 93	
Regulations 94	In paragraph (1), for the words “authority to which councillors are to be elected”, substitute the words “regional council which appointed that returning officer”.
In Schedule 2, Forms A, B, C, K and L	

## PART 3

### 3. The 1986 Rules

(6) Regulation 51(1A) was inserted by S.I. 1990/629.  
(7) Regulation 62(5) was substituted by S.I. 1992/834.

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Paragraph 4

For the words “means a region, islands area or district”, substitute the words “means a local government area within the meaning of the Representation of the People Act 1983 as applied by the Local Government (Transitional Election Arrangements) (Scotland) Order 1994”.

After paragraph 4, there shall be inserted—

“**4A.** In these rules, any reference to the proper officer of a council shall be taken as a reference to the proper officer of the council which appointed the returning officer.”.

Paragraph 5

In Schedule 2—

Rules 1 to 13

Rule 14

In paragraph (2), for the words “regional, islands area or district council, as the case may be”, substitute the words “local government area”.

Rules 15 to 45

Rule 46

In paragraph (1), for the words “region, islands area or district, as the case may be”, substitute the words “local government area”.

Rules 47 and 48

The Appendix of Forms

In the form in the Appendix of Forms headed “NOMINATION PAPER”**(8)**—

- (a) After the words “Act 1973” in both places on the front of the form where they occur, there shall be inserted in each case the words “as applied by the Local Government (Transitional Election Arrangements) (Scotland) Order 1994”;
- (b) In the declaration as to disqualification for being nominated, after the words “copy of which”, there shall be inserted the word “section”; and
- (c) In Note 1 there shall be inserted after the reference “(S.I.1990/262)” the words “, as said Rules are applied and modified by the Local Government (Transitional Election Arrangements) (Scotland) Order 1994”.

In Schedule 3—

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**(8)** The form headed “NOMINATION PAPER” was amended by S.I. 1990/262.

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paragraphs 1 to 17

paragraph 18

The words “In the application” to “he is the returning officer” shall not apply.

paragraphs 19 to 23

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