EXECUTIVE NOTE

THE SCOTTISH LOCAL GOVERNMENT ELECTIONS AMENDMENT ORDER 2012

SSI 2012/60

The above draft instrument, if approved, will be made by Scottish Ministers in exercise of the powers conferred by sections 3, 3A and 16 of the Local Governance (Scotland) Act 2004 and all other powers enabling them to do so. The instrument is subject to affirmative procedure.

Policy Objectives

The Scottish Government considers that it is necessary to amend the Scottish Local Government Elections Order 2011 ("the 2011 Elections Order").

Article 2 of the draft Order amends article 5 of the 2011 Elections Order to insert a further amendment to the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007, in consequence of updated material in the 2011 Elections Order. It also makes a minor correction to one of the amendments contained in article 5, in order to address comments made by the SLC's legal advisers when the 2011 Elections Order was before Parliament.

Article 2 of the draft Order also amends Rule 61 of Schedule 1 to the 2011 Elections Order to provide that information relating to postal votes is to be treated in the same way as polling station information. This means that where less than 200 postal votes are received in a ward, the information relating to those votes shall be aggregated with the information from at least one of the polling stations within that ward, so that the aggregated information will include no less than 200 votes. This is to protect the secrecy of individual votes should a low number of postal votes be cast in a ward. The publication requirements are simplified by removing material which is already published at ward level (under rule 56 of the 2011 Elections Order) and which it is onerous to produce at polling station level.

Consultation

The following bodies and stakeholders have been consulted during the preparation of the draft Order:

Electoral Management Board for Scotland
The Electoral Commission (Scotland)
Scottish Political Parties Panel

Impact Assessments

A Business Regularity Impact Assessment is deemed not be required in this instance as policy changes will not lead to costs or savings for business, third or public sector organisations, regulators or consumers. There is no additional cost on the public sector as the Scottish Government would continue to meet the costs of associated

activity whether or not it was in the legislation and there is no transfer of costs or benefits from one group to another.

Financial Effects

Local authorities are responsible for meeting the cost of local government elections from within their overall budget.

As electronic counting will be used at the local government elections in May 2012 the additional core costs of its introduction will be met by the Scottish Government. These core costs cover the provision of hardware (scanners and computer equipment), software programmes, technical support and training.

The instrument has no financial effects on business.

Scottish Government Directorate for International and Constitution
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