
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 239

REPRESENTATION OF THE PEOPLE

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

Made - - - - *7th August 2020*
Laid before the Scottish
Parliament - - - - *11th August 2020*
Coming into force - - *9th September 2020*

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(1) 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(2), 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(3) (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—

(1) 2004 asp 9. Section 3 was amended by section 34(6) of the Local Electoral Administration and Registration Service (Scotland) Act 2006 (asp 14).
(2) 2000 c.41. Section 7(2)(j) was added by section 12 of the Local Electoral Administration (Scotland) Act 2011 (asp 10).
(3) 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.

“(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
 - (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
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 10

Amended forms for use at Scottish local government elections

Form 4

Rule 14(2)

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.**

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

MASTERS Susan Caroline 93 Holyrood Road, Anytown Sycamore Party		
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Back of Ballot Paper

Number and unique identifying mark

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

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.