Local Electoral Administration and Registration Services (Scotland) Bill

Bill Number: SP Bill 52
Introduced on: 19 December 2005
Introduced by: Tom McCabe (Executive Bill)
Passed: 22 June 2006
Royal Assent: 1 August 2006

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Passage of the Bill

The Local Electoral Administration and Registration Services (Scotland) Bill was introduced in the Parliament on 19 December 2005. Stage 1 Oral Evidence commenced on 17 January 2006, with the Local Government and Transport Committee as the lead committee. The Stage 1 debate took place on 4 May 2006 and the Bill was passed following the Stage 3 debate on 22 June 2006.

Purpose and objectives of the Bill

The objectives of the Bill are: to make provision in relation to the administration and conduct of local government elections; to reorganise local registration services; to amend the law in relation to the registration of births and deaths and the procedure in relation to marriages and civil partnerships; to provide for the recording of certain events occurring outwith Scotland in relation to persons who have a Scottish connection; to make available certain information and records held by the Registrar General; and for connected purposes.

There are 2 parts to the Bill. The first part includes provisions for electoral administration relating solely to local government elections in Scotland. The administration of Scottish Parliamentary elections is reserved to the UK Parliament but the administration of local government elections in Scotland is a devolved matter.

The UK Electoral Administration Act 2006 will implement changes in respect of all statutory elections, including local government elections across the UK, in certain reserved areas, such as voter registration and the regulation of political parties, as a result of a number of Electoral Commission reviews and recommendations. The UK Act also contains provisions for local government elections in England and Wales. The Bill largely follows the approach taken by the UK Electoral Administration Act in order to ensure uniformity in electoral...
procedures, such as measures to improve access to the electoral process and to improve the security of postal voting.

The second part of the Bill provides for registration services of “vital events”, i.e. births, marriages and deaths, in Scotland. These provisions are the result of two consultation exercises carried out by the General Register Office for Scotland. The Bill provides for a number of reforms to registration services, including allowing the registration of births and deaths anywhere in Scotland, bringing registration district boundaries into line with local authority boundaries, allowing more flexible registration office opening times, allowing for e-registration and establishing a “Book of Scottish Connections”.

Provisions of the Bill

Part 1 of the Bill deals with local electoral administration in relation to the following issues. The Bill enables Scottish Ministers to set and publish performance standards for returning officers at local government elections, and to direct reporting officers to submit reports on their performance against these standards. It provides electoral administrators with a power to correct errors or admissions that may arise during the preparation for and conduct of local government elections. Sections 4 to 6 of the Bill provide for issues relating to access to election documents. It also details provisions in relation to observers. Sections 10 to 13 deal with offences related to voting and false information. Sections 14 to 17 aim to clarify legislation on election expenses and to bring procedures on election expenses for local government elections into line with those used for other elections. Part 1 also contains provisions for piloting the collection and use of personal identifiers to offer safeguards against postal voting abuse. Miscellaneous provisions are dealt with in sections 20 to 26.

Part 2 of the Bill deals with registration services, which refers to the process via which births, deaths and marriages are registered in Scotland. The General Register Office of Scotland administers registration services in partnership with local authorities. This part of the Bill provides for the re-organisation of local registration services districts to be made coterminous with local authority boundaries. It also provides for the registration of births, re-registration of births, still births and deaths to be carried out at any registration office in Scotland, or on-line. The Bill also provides for the establishment of a new public record termed the ‘Book of Scottish Connections’, which will be used to record events relating to persons outwith Scotland.

Parliamentary consideration

Throughout the Parliamentary process, the Bill has been largely uncontroversial, with overall agreement on its general principles. At stage 1, the Local Government and Transport Committee supported the proposals in the Bill, stating that it contained appropriate measures for improving electoral
administration and modernising registration services. Some recommendations for further improvements to the Bill and requests for additional information or clarification were put forward. One of the main points raised by the Committee was whether the setting of performance standards should be subject to Parliamentary scrutiny and the Stage 1 report suggested this issue could be returned to at Stage 2. Amendments were put forward in this regard, but were not moved, leaving responsibility for setting performance standards with Ministers. An amendment was agreed to which gave ministers powers to direct returning officers to provide information on expenditure at local government elections. Amendments were also agreed at Stage 2 to replicate changes to the UK Bill to allow the collection and use of personal identifiers for absent voting at local government elections in Scotland without the requirement to carry out a pilot. The Bill, as amended, was generally welcomed at Stage 3 and was passed on 22 June 2006.