

Scotland Bill

House of Commons Second Reading
Thursday 27 January 2011

This briefing sets out the Commission's view on key issues arising from the Scotland Bill ahead of its second reading in the House of Commons.

GENERAL COMMENTS ON THE BILL

The Electoral Commission was established in 2000 with the enactment of the Political Parties, Elections and Referendums Act 2000 (PPERA) and is an independent UK wide public body. Section 10 of PERA allows the Commission to provide advice and assistance to relevant bodies, including the Scottish Parliament, on any matter in which it has skill and expertise.

CLAUSE 1

Clause 1 of the Scotland Bill seeks to transfer certain powers relating to Scottish Parliament elections, which are currently exercisable by the Secretary of State, to the Scottish Ministers and our comments are restricted to this clause of the Bill.

The Local Electoral Administration (Scotland) Bill that is currently before the Scottish Parliament seeks to establish the Electoral Management Board on a statutory basis for its work in relation to local government elections in Scotland. This would include providing the Convener of the Board with a power of direction over other local government Returning Officers and Electoral Registration Officers.

The Commission has been calling for the establishment of a statutory Electoral Management Board in Scotland and a power of direction for its Convener for elections to the Scottish, UK and European Parliaments; and therefore the Commission welcomes the Bill in the Scottish Parliament.

Should Clause 1 of the Scotland Bill be enacted by the UK Parliament then it would potentially create a vehicle by which the remit of the Electoral Management Board, and the power of direction of the Convener, could be extended to cover elections to the Scottish Parliament as well as to Scottish local authorities. We understand that this is the policy intention of the Scotland Office but that the Scottish Government has expressed concern that the intention may not be achievable as the Bill is currently drafted. We would encourage the UK Parliament, during its scrutiny of the Scotland Bill, to ascertain whether Clause 1, as currently

drafted, would allow the extension of the Board's remit to occur, and make necessary changes to reflect this provision if needed.

FURTHER INFORMATION

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