

*These notes relate to the Scottish Local Government (Elections)  
Act 2002 (asp 1) which received Royal Assent on 24 January 2002*

# **SCOTTISH LOCAL GOVERNMENT (ELECTIONS) ACT 2002**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 3 Provisions consequential upon synchronisation of polling***

5. Section 37(2) of the Local Government (Scotland) Act 1973 Act provides that where a vacancy in the office of councillor occurs within 6 months before the date of the next ordinary local government elections, a by-election should not be held but rather the vacancy filled at the next ordinary local government elections. Section 3 of this Act makes provision in respect of vacancies occurring in the period from 2 November 2001 to the date on which this Act received Royal Assent. Section 37(2) will, prior to this Act coming into force, have operated to provide that, where a vacancy has occurred during that period, it should be filled at the next ordinary local government elections. As explained above, section 1 operates so as to change the date of those next elections. Subsection (1) of section 3 therefore provides that a by-election to fill such a vacancy is required to be held within 3 months of the date on which this Act received Royal Assent. Subsections (2) and (3) of section 3 amend section 37 of the 1973 Act to reflect the fact that the date on which the poll is to be held at the next local government election may be varied by virtue of the power conferred by section 43(1)(b) of the 1983 Act.