



# Scottish Local Government (Elections) Act 2002

2002 asp 1

## *Local government elections*

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

- (1) Where a casual vacancy in the office of councillor has occurred during the period beginning on 2 November 2001 and ending on the date on which this Act comes into force—
  - (a) an election to fill the vacancy shall, notwithstanding section 37(2) of the Local Government (Scotland) Act 1973 (c. 65) (“the 1973 Act”) (which provides that a casual vacancy occurring within six months of the next ordinary local government election is not to be filled until that election), be held within three months of the date on which this Act comes into force, and the day on which the poll is to be held at the election shall be fixed by the returning officer; and
  - (b) section 37(1) of the 1973 Act (filling of vacancies occurring in the office of councillor) shall not apply in relation to that vacancy.
- (2) In section 37(2) of the 1973 Act—
  - (a) after “the”, where first occurring, there is inserted “relevant”; and
  - (b) the words “of the next ordinary election” are repealed.
- (3) After section 37(2) of the 1973 Act there is inserted—

“(2A) For the purposes of subsection (2) above, the “relevant date” is—

  - (a) the first Thursday in May in the year in which the next ordinary election is to be held; or
  - (b) where, by virtue of subsection (1)(b) of section 43 of the Representation of the People Act 1983 (c. 2), the poll at that election is to be held on another day, that other day.”