



Scotland Act 1998

1998 CHAPTER 46

PART I

THE SCOTTISH PARLIAMENT

Franchise and conduct of elections

11 Electors.

- (1) The persons entitled to vote as electors at an election for membership of the Parliament held in any constituency are those who on the day of the poll—
 - (a) would be entitled to vote as electors at a local government election in an electoral area falling wholly or partly within the constituency, and
 - (b) are registered in the register of local government electors at an address within the constituency.
- (2) A person is not entitled to vote as elector in any constituency—
 - (a) more than once at a poll for the return of a constituency member, or
 - (b) more than once at a poll for the return of regional members,or to vote as elector in more than one constituency at a general election.

[^{F1}12 Power of the Scottish Ministers to make provision about elections

- (1) The Scottish Ministers may by order make any provision that would be within the legislative competence of the Parliament, if included in an Act of the Scottish Parliament, as to—
 - (a) the conduct of elections for membership of the Parliament,
 - (b) the questioning of such an election and the consequences of irregularities, and
 - (c) the return of members of the Parliament otherwise than at an election.
- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision—

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- (a) about the registration of electors,
 - (b) for disregarding alterations in a register of electors,
 - (c) about the limitation of the election expenses of candidates,
 - (d) for the combination of polls,
 - (e) for modifying the application of section 7(1) where the poll at an election for the return of a constituency member is abandoned (or notice of it is countermanded), and
 - (f) for modifying section 8(7) to ensure the allocation of the correct number of seats for the region.
- (3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 10(4) to (5A).
- (4) An order under subsection (1) may—
- (a) apply, with or without modifications or exceptions, any provision made by or under the Representation of the People Acts ^{F2}... or by any other enactment relating to parliamentary elections ^{F3}... or local government elections, and
 - (b) so far as may be necessary in consequence of any provision made by an order under subsection (1), modify any provision made by any enactment relating to the registration of parliamentary electors or local government electors.
- (5) The return of a member of the Parliament at an election may be questioned only under Part 3 of the Representation of the People Act 1983 as applied by an order under subsection (1).
- (6) For the purposes of this Act, the regional returning officer for any region is the person designated as such in accordance with an order made by the Scottish Ministers under this subsection.

Textual Amendments

F1 Ss. 12, 12A substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 4(1)**, 72(4)(a); S.I. 2017/608, [reg. 2\(1\)\(b\)](#)

F2 Words in s. 12(4)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 3 para. 8(a)** (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, [reg. 3\(1\)](#) (with [regs. 10, 22](#))

F3 Words in s. 12(4)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 3 para. 8(b)** (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, [reg. 3\(1\)](#) (with [regs. 10, 22](#))

12A Power of the Secretary of State to make provision about the combination of polls

- (1) The Secretary of State may by regulations make provision for—
- (a) the combination of polls at ordinary general elections for membership of the Parliament with polls at [^{F4}parliamentary by-elections], and
 - (b) the combination of polls at extraordinary general elections for membership of the Parliament, and by-elections for membership of the Parliament, with polls at [^{F5}parliamentary by-elections or parliamentary general elections].

^{F6}(2)

^{F7}(3)

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- (4) The Secretary of State may not make regulations under this section without the agreement of the Scottish Ministers.
- (5) Regulations under subsection (1) may—
- (a) apply, with or without modifications or exceptions, any provision made by or under the Representation of the People Acts ^{F8}... or by any other enactment relating to parliamentary elections ^{F9}... or local government elections, and
 - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for membership of the Parliament.]

Textual Amendments

- F1** Ss. 12, 12A substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 4(1)**, 72(4)(a); S.I. 2017/608, reg. 2(1)(b)
- F4** Words in s. 12A(1)(a) substituted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), **Sch. para. 12(a)(i)**
- F5** Words in s. 12A(1)(b) substituted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), **Sch. para. 12(a)(ii)**
- F6** S. 12A(2) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), **Sch. para. 12(b)**
- F7** S. 12A(3) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), **Sch. para. 12(b)**
- F8** Words in s. 12A(5)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 3 para. 9(4)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F9** Words in s. 12A(5)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 3 para. 9(4)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Franchise and conduct of elections.