

*These notes refer to the Scotland Act 1998 (c.46)
which received Royal Assent on 19th November 1998*

SCOTLAND ACT 1998

EXPLANATORY NOTES

COMMENTARY

SECTION 1: The Scottish Parliament

Purpose and Effect

This section establishes the Scottish Parliament. It provides for the election of constituency members of the Parliament under the simple majority system and regional members by proportional representation. The section also ensures that the validity of Parliamentary proceedings is unaffected if any seats are vacant. The section introduces Schedule 1, which provides for the constituencies, electoral regions and number of members to be returned per region and provides for the Boundary Commission for Scotland to recommend any necessary changes to the regions and the number of regional members.

General

This section has links with sections 2 and 3 dealing with the election of members to the Parliament.

This section also has links with section 5 relating to candidates standing for election as constituency members or Regional members; sections 6, 7 and 8 on the return of regional members; sections 9 and 10 on vacancies and Schedule 1 which is concerned with constituencies of the Parliament, regions and regional members.

Parliamentary Consideration

| <i>Stage</i> | <i>Date</i> | <i>Column</i> |
|--------------|-------------|---------------|
| CC | 28-Jan-98 | 357 |
| CC | 28-Jan-98 | 412 |
| LC | 8-Jul-98 | 1234 |
| LC | 8-Jul-98 | 1277 |
| LC | 8-Jul-98 | 1295 |
| LR | 22-Oct-98 | 1567 |

Details of Provisions

Subsection (1) provides for the establishment of a Scottish Parliament.

Subsection (2) provides for one member of the Parliament to be returned for each constituency by means of the simple majority system or “first past the post” system (73 members are currently returned on this basis - see Schedule 1). These members are returned either at a general election (see sections 2, 3 and 5) or at a by-election to fill vacancies in constituency seats (section 9).

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Subsection (3) deals with the return of regional members from each of the eight regions by means of the additional member system of proportional representation, as provided for in sections 6, 7 and 8 (56 members are currently returned on this basis - see Schedule 1). They are returned either at general elections (see sections 2, 3 and 5) or under section 10 in the case of a vacancy in regional seats.

Subsection (4) provides that the validity of any proceedings of the Parliament is unaffected by any vacancy in its membership.

Subsection (5) introduces Schedule 1, which provides for the constituencies and regions, the number of members to be returned per region and for alteration of the regions and of those numbers.