



# 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.

#### **12 Power to make provision about elections.**

- (1) The Secretary of State may by order make provision 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—
  - (a) about the registration of electors,
  - (b) for disregarding alterations in a register of electors,

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*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Franchise and conduct of elections. (See end of Document for details)*

- (c) about the limitation of the election expenses of candidates <sup>F1</sup> . . . ,
  - (d) for the combination of polls at elections for membership of the Parliament with polls at other elections,
  - (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) and (5).
- (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 or the <sup>M1</sup>European Parliamentary Elections Act 1978 or by any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections,
  - (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, and
  - (c) so far as may be necessary in consequence of any provision made by this Act or 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 III of the Representation of the <sup>M2</sup>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 Secretary of State under this subsection.

#### Textual Amendments

**F1** Words in s. 12(2)(c) repealed (16.2.2001) by 2000 c. 41, s. 158(1)(2), Sch. 21 para. 13(3), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

**C1** S. 12 amended (16.2.2001) by 2000 c. 41, s. 8(3)(b) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I**

**C2** S. 12(1)(6) amended (16.2.2001) by 2000 c. 41, s. 7(2)(g), (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I**

#### Marginal Citations

**M1** 1978 c. 10.

**M2** 1983 c. 2.

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**Changes to legislation:**

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