



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 [^{F1}of the Scottish Ministers] to make provision about elections.

- (1) The [^{F2}Scottish Ministers] may by order make provision as to—
 - (a) the conduct of elections for membership of the Parliament, [^{F3}and]
 - (b) the questioning of such an election and the consequences of irregularities, ^{F4}...
 - ^{F4}(c)
- (2) The provision that may be made under subsection (1)(a) [^{F5}does not include provision that may be made by the Secretary of State under section 12A but, subject to that,] includes, in particular, provision—
 - ^{F6}(a) about supplying or otherwise dealing with a register of electors,]

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- ^{F7}(b)
- (c) about the limitation of the election expenses of candidates ^{F8} . . . , [^{F9}and]
- (d) for the combination of polls at elections for membership of the Parliament with polls at other elections [^{F10}, if the conduct of the other election falls within the legislative competence of the Parliament.]
- ^{F11}(e)
- ^{F11}(f)
- ^{F12}(3)
- (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 [^{F13}the European Parliamentary Elections Act 2002] or by any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections,
- ^{F14}(b)
- ^{F14}(c)
- (5) The return of a member of the Parliament at an election may be questioned only under Part III of the Representation of the ^{M1}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 [^{F15}Scottish Ministers] under this subsection.
- [^{F16}(7) Before making an order under this section the Scottish Ministers must consult the Secretary of State.]

Textual Amendments

- F1** Words in s. 12 heading inserted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(8)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F2** Words in s. 12(1) substituted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(2)(a)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F3** Word in s. 12(1) inserted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(2)(b)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F4** S. 12(1)(c) and preceding word omitted (1.7.2015) by virtue of [Scotland Act 2012 \(c. 11\)](#), **ss. 1(2)(c)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F5** Words in s. 12(2) inserted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(3)(a)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F6** S. 12(2)(a) substituted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(3)(b)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F7** S. 12(2)(b) omitted (1.7.2015) by virtue of [Scotland Act 2012 \(c. 11\)](#), **ss. 1(3)(c)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F8** 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**
- F9** Word in s. 12(2)(c) inserted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(3)(d)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F10** Words in s. 12(2)(d) inserted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(3)(e)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)
- F11** S. 12(2)(e)(f) omitted (1.7.2015) by virtue of [Scotland Act 2012 \(c. 11\)](#), **ss. 1(3)(f)**, 44(5); S.I. 2015/682, [art. 2\(a\)](#) (with saving in S.I. 2015/683, art. 2)

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- F12** S. 12(3) omitted (1.7.2015) by virtue of Scotland Act 2012 (c. 11), **ss. 1(4)**, 44(5); S.I. 2015/682, art. 2(a) (with saving in S.I. 2015/683, art. 2)
- F13** Words in s. 12(4)(a) substituted (24.10.2002) by European Parliamentary Elections Act 2002 (c. 24), s. 15, **Sch. 3 para. 7(2)**
- F14** S. 12(4)(b)(c) omitted (1.7.2015) by virtue of Scotland Act 2012 (c. 11), **ss. 1(5)**, 44(5); S.I. 2015/682, art. 2(a) (with saving in S.I. 2015/683, art. 2)
- F15** Words in s. 12(6) substituted (1.7.2015) by Scotland Act 2012 (c. 11), **ss. 1(6)**, 44(5); S.I. 2015/682, art. 2(a) (with saving in S.I. 2015/683, art. 2)
- F16** S. 12(7) inserted (1.7.2015) by Scotland Act 2012 (c. 11), **ss. 1(7)**, 44(5); S.I. 2015/682, art. 2(a) (with saving in S.I. 2015/683, art. 2)

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** 1983 c. 2.

[^{F17} **12A Power of the Secretary of State to make provision about elections**

- (1) The Secretary of State may by regulations make provision—
- about the registration of electors,
 - 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),
 - for modifying section 8(7) to ensure the allocation of the correct number of seats for the region, and
 - as to the return of members of the Parliament otherwise than at an election.
- (2) The provision that may be made under subsection (1)(a) includes—
- provision for disregarding alterations in a register of electors, and
 - other provision about, or for purposes connected with, the content of a register or the effect of registration,
- but subject to that it does not include provision about supplying or otherwise dealing with a register.
- (3) The provision that may be made under subsection (1)(d) includes, in particular, provision modifying section 10(4) and (5).
- (4) Regulations under subsection (1) may—
- apply, with or without modifications or exceptions, any provision made by or under the Representation of the People Acts or the European Parliamentary Elections Act 2002 or by any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections, and
 - so far as may be necessary in consequence of any provision made by this Act or regulations under subsection (1), modify any provision made by any enactment relating to the registration of parliamentary electors or local government electors.

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- (5) Before making regulations under this section the Secretary of State must consult the Scottish Ministers.]

Textual Amendments

F17 S. 12A inserted (1.7.2015) by [Scotland Act 2012 \(c. 11\)](#), **ss. 1(9)**, 44(5); S.I. 2015/682, art. 2(a) (with saving in [S.I. 2015/683](#), art. 2)

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Changes to legislation:

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