



Scotland Act 1998

1998 CHAPTER 46

PART I

THE SCOTTISH PARLIAMENT

General elections

8 Allocation of seats to regional members.

- (1) The first regional member seat shall be allocated to the registered political party or individual candidate with the highest regional figure.
- (2) The second and subsequent regional member seats shall be allocated to the registered political party or individual candidate with the highest regional figure, after any recalculation required by section 7(3) has been carried out.
- (3) An individual candidate already returned as a constituency or regional member shall be disregarded.
- (4) Seats for the region which are allocated to a registered political party shall be filled by the persons in the party's regional list in the order in which they appear in the list.
- (5) For the purposes of this section and section 10, a person in a registered political party's regional list who is returned as a member of the Parliament shall be treated as ceasing to be in the list (even if his return is void).
- (6) Once a party's regional list has been exhausted (by the return of persons included in it as constituency members or by the previous application of subsection (1) or (2)) the party shall be disregarded.
- (7) If (on the application of subsection (1) or any application of subsection (2)) the highest regional figure is the regional figure of two or more parties or individual candidates,^{F1}
 - (a) the subsection in question shall apply to each of them; or
 - (b) if paragraph (a) would result in more than the correct number of seats for the region being allocated, the subsection in question shall apply as if the regional

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 8. (See end of Document for details)

figure for each of those parties or candidates had been adjusted in accordance with subsection (8).

- (8) The regional figure for a party or candidate is adjusted in accordance with this subsection by—
- (a) adding one vote to the total number of regional votes given for the party or candidate in all the constituencies included in the region; and
 - (b) (in the case of a party) recalculating the regional figure accordingly.
- (9) If, on the application of the subsection in question in accordance with subsection (7) (b), seats would be allocated to two or more parties or individual candidates and that would result in more than the correct number of seats for the region being allocated, the regional returning officer shall decide between them by lot.]

Textual Amendments

- F1** S. 8(7)(a)(b)(8)(9) substituted (11.3.1999) for words by [S.I. 1999/787, art. 6, Sch. 2 rule 63](#) (which S.I. was revoked (20.11.2002 except for specified purposes) by [S.I. 2002/2779, arts. 1, 2](#)); and those same sub-provisions substituted (20.11.2002 except for specified purposes) for words by virtue of [S.I. 2002/2779, arts. 1, 7\(4\), Sch. 2 rule 64](#) (which S.I. was revoked (15.3.2007 except for specified purposes) by [S.I. 2007/937, arts. 1, 2](#)); and those same sub-provisions substituted (15.3.2007 except for specified purposes) for words by virtue of [S.I. 2007/937, arts. 1, 7\(4\), Sch. 2 rule 65](#) (which S.I. was revoked (30.12.2010 except for specified purposes) by [S.I. 2010/2999, art. 97, Sch. 9](#)); and those same sub-provisions substituted (30.12.2010 except for specified purposes) for words by virtue of [S.I. 2010/2999, arts. 1, 6\(4\), Sch. 2 rule 65](#)

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