



Scotland Act 2016

2016 CHAPTER 11

PART 1

CONSTITUTIONAL ARRANGEMENTS

Elections etc

5 Timing of elections

- (1) Section 2 of the Scotland Act 1998 (ordinary general elections) is amended as follows.
- (2) In subsection (2) for the words from “the day” to the end substitute—
 - “(a) subsection (2A) prevents the poll being held on that day, or
 - (b) the day of the poll is determined by a proclamation under subsection (5).”
- (3) After subsection (2) insert—

“(2A) The poll shall not be held on the same date as the date of the poll at—

 - (a) a parliamentary general election (other than an early parliamentary general election), or
 - (b) a European parliamentary general election.

(2B) Where subsection (2A) prevents the poll being held on the day specified in subsection (2), the poll shall be held on such day, subject to subsection (2A), as the Scottish Ministers may by order specify, unless the day of the poll is determined by a proclamation under subsection (5) as modified by subsection (5ZA).”
- (4) In subsection (3) after “May” insert “, or on the day specified by an order under subsection (2B) ”.
- (5) In subsection (5) at the beginning insert “ Subject to subsection (2A), ”.
- (6) After subsection (5) insert—

Changes to legislation: Scotland Act 2016, Section 5 is up to date with all changes known to be in force on or before 28 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“(5ZA) Where a day is specified by order under subsection (2B), subsection (5) applies as if the reference to the first Thursday in May were a reference to that day.”

(7) Omit subsections (5A) to (5C).

(8) In paragraph 1(2) of Schedule 7 (procedure for subordinate legislation) in the appropriate place insert—

“Section 2(2B)

Type L”

(9) Section 43 of the Representation of the People Act 1983 (day of ordinary local elections in Scotland, and other timing provisions) is amended as follows.

(10) In subsection (1) at the beginning insert “ Subject to subsection (1AA), ”.

(11) After subsection (1A) insert—

“(1AA) The poll shall not be held on the day specified in or fixed under subsection (1) where that day is the day of the poll at an ordinary general election for membership of the Scottish Parliament.

(1AB) Where subsection (1AA) prevents the poll being held on the day specified in or fixed under subsection (1), the poll is to be held on such other day as the Scottish Ministers may by order specify.

(1AC) An order under subsection (1AB) is subject to the affirmative procedure.”

Commencement Information

II S. 5 in force at 18.5.2017 by S.I. 2017/608, reg. 2(1)(c)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)