
STATUTORY INSTRUMENTS

2002 No. 2779

The Scottish Parliament (Elections etc.) Order 2002

**PART I
GENERAL**

Citation and commencement

1. This Order may be cited as the Scottish Parliament (Elections etc.) Order 2002 and shall come into force 14 days after the day on which it is made, except for the purposes of any election where the last day for the publication of the notice of election in respect of that election precedes that date.

Revocations

2.—(1) Subject to paragraph (2) below, the following Orders are hereby revoked:—

- (a) the Scottish Parliament (Elections etc.) Order 1999**(1)**;
- (b) the Scottish Parliament (Elections etc.) (Amendment) Order 2001**(2)**;
- (c) the Scottish Parliament (Elections etc.) (Amendment (No. 2) Order 2001**(3)**;
- (d) the Scottish Parliament (Elections etc.) (Amendment) (No. 3) Order**(4)**,

as from the coming into force of this Order.

(2) Notwithstanding the revocation of the Scottish Parliament (Elections etc.) Order 1999, the modification of enactments contained in Schedule 8 to that Order shall continue to have effect.

Interpretation

3.—(1) In this Order, except where the context otherwise requires—

- “the 1983 Act” means the Representation of the People Act 1983**(5)**;
- “the 1985 Act” means the Representation of the People Act 1985**(6)**;
- “the 1986 Regulations” means the Representation of the People (Scotland) Regulations 1986**(7)**;
- “the 1998 Act” means the Scotland Act 1998;
- “the 2000 Act” means the Representation of the People Act 2000**(8)**;

(1) S.I. 1999/787.
(2) S.I. 2001/1399.
(3) S.I. 2001/1748.
(4) S.I. 2001/1750.
(5) 1983 c. 2.
(6) 1985 c. 50.
(7) S.I. 1986/111.
(8) 2000 c. 2.

“the 2000 Political Parties Act” means the Political Parties, Elections and Referendums Act 2000⁽⁹⁾;

“the 2001 Regulations” means the Representation of the People (Scotland) Regulations 2001⁽¹⁰⁾;

“appropriate returning officer” means–

- (a) in relation to a candidate for return as a constituency member (or to an election agent or sub agent for such a candidate) the constituency returning officer for that constituency; and
- (b) in relation to an individual candidate for return as a regional member or to a registered party submitting a regional list for a particular region, (or to an election agent or sub agent for such a candidate or such a registered party) the regional returning officer for that region;

a reference to a ballot paper shall, in relation to a general election for membership of the Scottish Parliament be construed as a reference to both the constituency ballot paper and the regional ballot paper;

a reference to a numbered article shall be construed as a reference to the article bearing that number in this Order;

“Citizen of the Union” shall be construed in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and “relevant citizen of the Union” means such a citizen who is not a commonwealth citizen or a citizen of the Republic of Ireland;

“constituency returning officer” means the officer who, in accordance with article 15, is the constituency returning officer for a Scottish parliamentary election in a constituency;

“European Parliamentary Election” has the same meaning as in section 27(1) of the 1985 Act;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹¹⁾;

“nominating officer” means the person registered under Part II of the 2000 Political Parties Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered party;

“ordinary local government election” means an ordinary election of councillors for local government areas in Scotland;

“regional returning officer” means a regional returning officer for the purposes of the 1998 Act;

“register of electors” means the register of local government electors;

“registered emblem” means an emblem registered by a political party under Part II of the 2000 Political Parties Act;

“registered party” means a party registered under Part II of the 2000 Political Parties Act;

“registration officer” means an electoral registration officer within the meaning of the 1983 Act;

“service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act and is registered or entitled to be registered in pursuance of it; and

“Scottish parliamentary election” means an election for membership of the Scottish Parliament and “Scottish parliamentary general election” shall be construed accordingly.

(9) 2000 c. 41.
(10) S.I. 2001/497
(11) 1994 c. 39

(2) For the purposes of this Order a person shall be deemed not to have attained a given age until commencement of the relevant anniversary of the day of his birth.