
STATUTORY INSTRUMENTS

2007 No. 937

The Scottish Parliament (Elections etc.) Order 2007

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the Scottish Parliament (Elections etc.) Order 2007 and shall come into force on the day 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.** The following Orders and Regulations are hereby revoked:—
- (a) the Scottish Parliament (Elections etc.) Order 2002**(1)**;
 - (b) paragraph 22 of the Schedule to the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004**(2)**;
 - (c) paragraph 2 of Schedule 10 to the Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005**(3)**,

as from the coming into force of this Order.

Interpretation

- 3.—(1)** In this Order, except where the context otherwise requires—
- “the 1983 Act” means the Representation of the People Act 1983**(4)**;
 - “the 1985 Act” means the Representation of the People Act 1985**(5)**;
 - “the 1998 Act” means the Scotland Act 1998;
 - “the 2000 Act” means the Representation of the People Act 2000**(6)**;
 - “the 2000 Political Parties Act” means the Political Parties, Elections and Referendums Act 2000;
 - “the 2001 Regulations” means the Representation of the People (Scotland) Regulations 2001**(7)**;
 - “the 2006 Act” means the Electoral Administration Act 2006**(8)**;

(1) S.I.2002/2779.

(2) S.I. 2004/1771.

(3) S.I. 2005/2114.

(4) 1983 c. 2.

(5) 1985 c. 50.

(6) 2000 c. 2.

(7) S.I. 2001/497, which was amended by S.I. 2001/1749, 2002/1872, 2003/3075, 2004/1771, 2004/1960 and 2006/834.

(8) 2006 c. 22.

“anonymous entry”, in relation to the register of electors, shall be construed in accordance with section 9B of the 1983 Act⁽⁹⁾;

“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;

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

“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;

“disability”, in relation to doing a thing, includes a short term inability to do it;

“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⁽¹⁰⁾;

“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;

“postal ballot box” means the ballot box referred to in paragraph 16(1)(b) of Schedule 4;

“the postal voters list” means the list of persons kept in pursuance of article 10(5)(a), showing persons whose applications to vote by post have been granted;

“record of anonymous entries” means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the 1983 Act⁽¹¹⁾;

“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;

⁽⁹⁾ Section 9B was added by the 2006 Act, section 10.

⁽¹⁰⁾ 1994 c. 39.

⁽¹¹⁾ Paragraph 8A was inserted by the 2006 Act, Schedule 1, paragraph 15(6).

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

“Scottish Parliamentary Election Rules” means the rules set out in Schedule 2.

(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 or her birth.