

SCOTTISH ELECTIONS (DATES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Date of general election for Scottish Parliament

4. **Section 1** of the Act provides that the ordinary general election for the Scottish Parliament which is scheduled to take place on 7 May 2020 will instead be scheduled to take place on 6 May 2021. Subsequent ordinary general elections will be scheduled to be held on the first Thursday in May in the fourth calendar year after the May 2021 general election.
5. The provisions in the Scotland Act 1998 which relate to setting and varying the date of ordinary and extraordinary general elections are unaffected by this change, i.e. section 1 of the Act retains the power for the Presiding Officer of the Scottish Parliament to propose another date within a month of the election scheduled for 6 May 2021 (in section 2(5) of the Scotland Act 1998) and allows section 3(3) of the Scotland Act 1998 to operate so that an extraordinary general election within the six months before 6 May 2021 will result in cancellation of the 6 May poll.

Year of local government elections

6. **Section 2** of the Act amends section 5 of the Local Government etc. (Scotland) Act 1994 so that the Scottish local government ordinary elections which are scheduled to take place in 2021 will instead be scheduled to take place in 2022. It also provides that ordinary elections for Scottish local government will be held every fourth year after the 2022 election.
7. Section 43 of the Representation of the People Act 1983 provides that ordinary Scottish local government elections are held on the first Thursday in May in an election year which means that the 2022 elections will be scheduled to take place on 5 May 2022.