

*These notes refer to the Scotland Act 1998 (c.46)
which received Royal Assent on 19th November 1998*

SCOTLAND ACT 1998

EXPLANATORY NOTES

COMMENTARY

SECTION 7: Calculation of regional figures

Purpose and Effect

This section provides that constituency seats must be determined before the allocation of regional members seats can take place. It also provides for the calculation of the relevant figures (referred to in the Act as “regional figures”) which will determine how regional member seats are to be allocated to parties and to individuals.

General

This section is part of the set of three sections concerned with the return of regional members at a general election. The method of calculating the regional figures uses what is referred to as the D’ Hondt formula in section 7(2) where a regional figure is calculated by dividing the total regional votes by 1+ the number of seats already held. This seeks to ensure that the average number of votes required to win one regional seat shall be, so far as possible, the same for each party.

Parliamentary Consideration

<i>Stage</i>	<i>Date</i>	<i>Column</i>
CR	12-May-98	225
LC	14-Jul-98	204
LR	22-Oct-98	1658
LR	22-Oct-98	1661

Details of Provisions

Subsection (1) provides that all candidates to be returned as constituency members within an electoral region must be determined before the return of the regional members for that region. This is because the regional member seats are allocated on a corrective basis, taking account of the number of constituency seats a party has gained.

This was modified by Rule 70 in Schedule 2 of the Scottish Parliament (Elections etc.) Order 1999 ([S.I. 1999/787](#)) to deal with the situation where a candidate dies before a result is returned. “Constituencies included in the region” is to be construed as reference to all of the constituencies included in the region except those in relation to which rule 70(1) applies.

Subsection (2) provides that, for each registered political party which has submitted a list of candidates, the number of regional votes recorded in each constituency throughout the region are added together and divided by the number of constituency seats gained

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plus one. Parties who do not gain any constituency seats can be involved in the calculations. The resultant figure is called the “regional figure”. Taking constituency seats into the calculations means that additional seats are allocated correctively as opposed to on a simple proportional basis. In other words, a party, which has won disproportionately few constituency seats having regard to their regional vote, may be compensated by being allocated additional seats from the party’s regional list. However, only the regional vote is used in the calculation; votes cast in the ballot for constituency members are disregarded for this purpose.

Subsection (3) provides that each time a party gains a regional member seat the “regional figure” for that party is recalculated taking into account the seat thus gained by adding it to the divisor i.e. the previous aggregate number of constituency seats gained by the party plus one.

Subsection (4) provides that the “regional figure” for individual candidates is simply the total number of regional votes cast for the individual in each constituency in the region. By virtue of section 8(3), any individual candidate who has been returned as a constituency member is disregarded when allocating regional seats.