



Scotland Act 1998

1998 CHAPTER 46

PART I

THE SCOTTISH PARLIAMENT

Disqualification

16 Exceptions and relief from disqualification.

- (1) A person is not disqualified from being a member of the Parliament merely because—
 - (a) he is a peer (whether of the United Kingdom, Great Britain, England or Scotland), or
 - [^{F1}(b) he is a Lord Spiritual.]
- (2) A citizen of the European Union who is resident in the United Kingdom is not disqualified from being a member of the Parliament merely because of section 3 of the ^{M1}Act of Settlement (disqualification of persons born outside the United Kingdom other than [^{F2}certain] Commonwealth citizens and citizens of the Republic of Ireland).
- (3) Subsection (4) applies where a person was, or is alleged to have been, disqualified from being a member of the Parliament (either generally or in relation to a particular constituency or region) on any ground other than one falling within section 15(1)(b).
- (4) The Parliament may resolve to disregard any disqualification incurred by that person on the ground in question if it considers that—
 - (a) the ground has been removed, and
 - (b) it is proper to disregard any disqualification so incurred.
- (5) A resolution under this section shall not—
 - (a) affect any proceedings under Part III of the Representation of the ^{M2}People Act 1983 as applied by an order under section 12, or
 - (b) enable the Parliament to disregard any disqualification which has been established in such proceedings or in proceedings under section 18.

Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 1998, Section 16. (See end of Document for details)*

Textual Amendments

- F1** [S. 16\(1\)\(b\)](#) substituted (11.5.2001) by [2001 c. 13, s. 1, Sch. 1 para. 4](#)
- F2** Word in [s. 16\(2\)](#) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 18(6), 77(2), [Sch. 1 para. 45](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(aa\)\(bb\)](#) (subject to [art. 6](#), [Sch. 2](#)); [S.I. 2006/1316](#), [arts. 2\(2\)](#), 4(y)(z)

Modifications etc. (not altering text)

- C1** [S. 16](#) extended (11.3.1999) by [S.I. 1999/787](#), arts. 1, 6, [Sch. 2 Pt. II para. 9\(4\)\(b\)\(i\)](#)

Marginal Citations

- M1** [1700 c. 2.](#)
- M2** [1983 c. 2.](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 16.