



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Disqualification*

#### **18 Judicial proceedings as to disqualification.**

- (1) Any person who claims that a person purporting to be a member of the Parliament is disqualified or has been disqualified at any time since being returned may apply to the Court of Session for a declarator to that effect.
- (2) An application in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted when the person was returned or to have arisen subsequently.
- (3) No declarator shall be made—
  - (a) on grounds which subsisted when the person was returned, if an election petition is pending or has been tried in which the disqualification on those grounds of the person concerned is or was in issue, or
  - (b) on any ground, if a resolution under section 16 requires that any disqualification incurred on that ground by the person concerned is to be disregarded.
- (4) The person in respect of whom an application is made shall be the defender.
- (5) The applicant shall give such caution for the expenses of the proceedings as the Court of Session may direct; but any such caution shall not exceed £5,000 or such other sum as the Scottish Ministers may by order specify.
- (6) The decision of the court on an application under this section shall be final.

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*Changes to legislation: There are currently no known outstanding effects  
for the Scotland Act 1998, Section 18. (See end of Document for details)*

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- (7) In this section “disqualified” means disqualified from being a member of the Parliament or from being a member for the constituency or region for which the person concerned purports to sit.

**Modifications etc. (not altering text)**

**C1** S. 18 extended (11.3.1999) by [S.I. 1999/787](#), arts. 1, 6, [Sch. 2 Pt. II para. 9\(4\)\(b\)\(i\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 18.