



Scotland Act 1998

1998 CHAPTER 46

PART I

THE SCOTTISH PARLIAMENT

Vacancies

9 Constituency vacancies.

- (1) Where the seat of a constituency member is vacant, an election shall be held to fill the vacancy (subject to subsection (4)).
- (2) The date of the poll shall be fixed by the Presiding Officer.
- (3) The date shall fall within the period of three months—
 - (a) beginning with the occurrence of the vacancy, or
 - (b) if the vacancy does not come to the notice of the Presiding Officer within the period of one month beginning with its occurrence, beginning when it does come to his notice.
- (4) The election shall not be held if the latest date for holding the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 2(5)).
- (5) For the purposes of this section, the date on which a vacancy is to be treated as occurring shall be determined under standing orders.
- (6) A person may not be a candidate at such an election if he is a member of the Parliament or a candidate in another election to fill a vacancy.

Modifications etc. (not altering text)

C1 S. 9 applied (11.3.1999) by [S.I. 1999/787](#), [arts. 1, 86](#)

C2 S. 9(6) extended (11.3.1999) by [S.I. 1999/787](#), [arts. 1, 6](#), [Sch. 2 Pt. II para. 9\(4\)\(b\)\(iii\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 9.