

SCHEDULE 8

Article 97

MODIFICATION OF ENACTMENTS

PART I

PUBLIC GENERAL ACTS

Reserve Forces Act 1996 (c. 14)

1. In section 125(a) of the Reserve Forces Act 1996 (absence for voting) after “Member of Parliament” there is inserted “a Member of the Scottish Parliament”.

PART II

SUBORDINATE LEGISLATION

The Local Government Pension Scheme (Scotland) Regulations 1998 (S.I.1998/366)

2. In paragraph (2) of regulation 130 of the Local Government Pension Scheme (Scotland) Regulations 1998 (separate employments etc.)–

(a) after sub-paragraph (a) “or” is omitted; and

(b) at the end there is added–

“; or

(c) as a returning officer at elections to the Scottish Parliament.”.

Rules of the Court of Session 1994 (S.I. 1994/1443)

3.—(1) In rule 69.1 of the Rules of the Court of Session 1994 (interpretation of this Chapter)–

(a) in the definition of “election petition” after the words “Act of 1983” insert the following–
“or a petition presented under Part III of the Act of 1983 as applied and modified by article 85 of and Schedule 6 to the Scottish Parliament (Elections etc.) Order 1999; and any reference in this Chapter to an election petition shall be construed as a reference to a Scottish parliamentary election petition where it is a petition brought in relation to a Scottish parliamentary election”; and

(b) after the definition of “election petition” insert the following–

““region” means a region for the purposes of the Scotland Act 1998(1); and any reference in this Chapter to a constituency shall be construed as a reference to a constituency for the purposes of the said Act of 1998 where it is used in relation to a Scottish parliamentary election;

“Scottish parliamentary election” means an election for membership of the Scottish Parliament.”.

(2) In rule 69.9 (time and place of trial) in paragraphs (1)(c) and (2) after the word “constituency” insert the words “or as the case may be, region”;

(1) 1998 c. 46.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In rule 69.10 (postponement of trial), in paragraph (2) after the word “constituency” insert the words “or as the case may be, region”.

(4) In rule 69.19 (application for leave to withdraw election petitions), in paragraphs 2(c) and (3), after the word “constituency” insert the words “or as the case may be, region”.

(5) In rule 69.23 (death of petitioner), in paragraphs (1)(c) and (2), after the word “constituency” insert the words “or as the case may be, region”.

(6) In rule 69.24 (applications to be substituted on death of petitioner), in paragraph (2)(c), after the word “constituency” insert the words “or as the case may be, region”.

(7) In rule 69.26 (death or peerage of respondent)–

(a) for the heading to that rule, substitute the following–

“Death, peerage or resignation of respondent”;

(b) after paragraph (1)(b), the word “or” shall be omitted; and

(c) after paragraph (1)(c), insert the following–

“, or

(d) a respondent resigns or otherwise ceases to be a member of the Scottish Parliament.”.

(8) In rule 69.27 (applications to be admitted as respondent), in paragraph (b) for the words “(death or peerage of respondent)” substitute the words “(death, peerage or resignation of respondent)”.

(9) In rule 69.29 (motions in election petitions), in paragraph (3)(d) after the word “constituency” insert the words “or as the case may be, region”.

(10) In Form 69.2 (form of Parliamentary or European parliamentary election petition), for the heading, substitute the following–

“Form of Parliamentary, European parliamentary or Scottish parliamentary election petition”.

(11) In Form 69.4 (form of bond of caution in election petition), in line 4, after the words “(name of constituency)” insert the words “or member of the Scottish Parliament for (name of constituency or region)”.

(12) In Form 69.5 (form of notice of the presentation of an election petition and of the nature of the proposed security), in line 4 of paragraph (1), after the words “European Parliament” insert the words “or member of the Scottish Parliament”.

(13) In Form 69.19 - B (form of application for leave to withdraw petition), in lines 2 and 3 for the words “Parliamentary [or European parliament constituency of” substitute the words “Parliamentary [or European Parliament or Scottish Parliamentary] constituency [or region] of”.