



# Scottish Local Government (Elections) Act 2002

2002 asp 1

## *Local government elections*

### **2 Power to synchronise polling at local government and Scottish Parliamentary elections**

(1) In the Representation of the People Act 1983 (c. 2) (“the 1983 Act”), after section 43(1A) there is inserted—

“(1B) Despite subsection (1) above—

- (a) if the poll at an ordinary general election is, under section 2(5) of the Scotland Act 1998 (c. 46) (“the 1998 Act”) (which enables the advancement or postponement, for up to a month, of the date of the poll at such an election), to be held on the day proposed by the Presiding Officer for the purposes of that provision; or
- (b) if an extraordinary general election is, under section 3(2) of that Act (which enables the holding of such an election), to be held on a day occurring within the relevant period, the Scottish Ministers may, by order, provide that the poll at the ordinary local election to be held that year shall be held on that day;

(1C) In subsection (1B) above—

“extraordinary general election” means a general election for membership of the Scottish Parliament held under section 3 of the 1998 Act;

“ordinary general election” means a general election for membership of the Scottish Parliament held under section 2 of the 1998 Act;

“ordinary local election” means an ordinary election of councillors for local government areas in Scotland held in accordance with section 5 of the 1994 Act and this Act;

“relevant period” means the period beginning with 11th March in a year in which an ordinary local election falls to be held and ending with the day which immediately precedes the first Thursday in May in that year,

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*Status: This is the original version (as it was originally enacted).*

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and references to the time when a local election falls or does not fall to be held are to be construed in accordance with section 5(3) of the 1994 Act.

(1D) An order under subsection (1B) above shall be made by statutory instrument.”.

(2) In section 43(2)(b) of the 1983 Act (which, amongst other things, postpones the poll for a local government election which would otherwise take place on a public holiday), after “subsection (1)” there is inserted “or (1B)”.