



Scottish Independence Referendum (Franchise) Act 2013

2013 asp 13

Franchise at independence referendum

3 Offenders in prison etc. not to be entitled to vote

- (1) A convicted person is legally incapable of voting in an independence referendum for the period during which the person is detained in a penal institution in pursuance of the sentence imposed on the person.
- (2) A convicted person who is unlawfully at large at a time when the person would otherwise be detained as mentioned in subsection (1) is to be treated for the purposes of that subsection as being so detained at that time.
- (3) For the purposes of subsection (1)—
 - (a) a person detained for default in complying with a sentence is not to be treated as being detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, and
 - (b) a person detained by virtue of a conditional pardon in respect of an offence is to be treated as detained in pursuance of the sentence for the offence.
- (4) It does not matter for the purposes of subsection (1) whether a person was convicted, or a sentence imposed, before or after the commencement of this Act.
- (5) In this section—

“convicted person” means a person found guilty of an offence (whether under the law of any part of the United Kingdom or anywhere else) and—

 - (a) includes a person found guilty by a court of a service offence within the meaning of the Armed Forces Act 2006, but
 - (b) does not include a person dealt with by committal or other summary process for contempt of court,

“penal institution” means an institution to which the Prison Act 1952, the Prison Act (Northern Ireland) 1953 or the Prisons (Scotland) Act 1989 applies.