

SCOTTISH ELECTIONS (DATES) ACT 2016

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by the Parliament.
2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

THE ACT

3. The Act provides for a change to the date of the Scottish Parliament general election that would otherwise be held on 7 May 2020 to 6 May 2021 so that it does not coincide with the UK Parliament general election scheduled for 7 May 2020. It also provides for a change to the date of the Scottish local government elections due to be held on 6 May 2021 to 5 May 2022, so that they do not coincide with the new date of the Scottish Parliament general election.

COMMENTARY ON SECTIONS

Date of general election for Scottish Parliament

4. **Section 1** of the Act provides that the ordinary general election for the Scottish Parliament which is scheduled to take place on 7 May 2020 will instead be scheduled to take place on 6 May 2021. Subsequent ordinary general elections will be scheduled to be held on the first Thursday in May in the fourth calendar year after the May 2021 general election.
5. The provisions in the Scotland Act 1998 which relate to setting and varying the date of ordinary and extraordinary general elections are unaffected by this change, i.e. section 1 of the Act retains the power for the Presiding Officer of the Scottish Parliament to propose another date within a month of the election scheduled for 6 May 2021 (in section 2(5) of the Scotland Act 1998) and allows section 3(3) of the Scotland Act 1998 to operate so that an extraordinary general election within the six months before 6 May 2021 will result in cancellation of the 6 May poll.

Year of local government elections

6. **Section 2** of the Act amends section 5 of the Local Government etc. (Scotland) Act 1994 so that the Scottish local government ordinary elections which are scheduled to take place in 2021 will instead be scheduled to take place in 2022. It also provides that ordinary elections for Scottish local government will be held every fourth year after the 2022 election.

*These notes relate to the Scottish Elections (Dates) Act 2016
(asp 13) which received Royal Assent on 30 March 2016*

7. Section 43 of the Representation of the People Act 1983 provides that ordinary Scottish local government elections are held on the first Thursday in May in an election year which means that the 2022 elections will be scheduled to take place on 5 May 2022.

PARLIAMENTARY HISTORY

8. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which proceedings at that Stage took place, and the references to the official report of those proceedings. It also shows the dates on which Committee Reports and other papers relating to the Act were published, and references to those reports and other papers.

<i>PROCEEDINGS AND REPORTS</i>	<i>REFERENCE</i>
Bill as introduced – 18 November 2015	SP Bill 84 – Session 4 (2015) http://www.parliament.scot/S4_Bills/Scottish%20Elections%20(Dates)%20Bill/SPBill84S042015.pdf
Stage One	
Standards, Procedures and Public Appointments Committee	
21 st Meeting: 3 December 2015 (Column 2-6)	http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10259&mode=pdf
22 nd Meeting: 10 December 2015	
Bill Report: 14 December 2015	http://www.parliament.scot/S4_StandardsProceduresandPublicAppointmentsCommittee/Reports/SPPAS042015R11.pdf
Consideration by the Parliament	
Stage One Debate: 7 January 2016 (Column 34-48)	http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10293&mode=pdf
Stage Two	
Standards, Procedures and Public Appointments Committee	
2 nd Meeting: 28 January 2016 (Column 3)	http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10340&mode=pdf
Stage Three	
Consideration by the Parliament	
Stage Three Debate: 25 February 2016	http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10386&mode=pdf

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(asp 13) which received Royal Assent on 30 March 2016*

PROCEEDINGS AND REPORTS	REFERENCE
(Columns 68-75)	
Bill as Passed: 25 February 2016	SP Bill 84 Session 4 (2015)
Royal Assent	
30 March 2016	http://www.legislation.gov.uk/asp/2016/13/contents/ enacted