

*These notes relate to the Scottish Elections (Franchise and Representation)
Act 2020 (asp 6) which received Royal Assent on 1 April 2020*

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) ACT 2020

EXPLANATORY NOTES

THE STRUCTURE AND SUMMARY OF THE ACT

Part 3 - Prisoners Etc.

Section 7 - Residence of convicted persons in prison etc.: uninterrupted residence

20. Section 7 adds a new section to the 1983 Act - section 7AA. Subsection (2) of section 7AA defines circumstances in which, for the purposes of electoral registration, a convicted person's residence is deemed not to have been interrupted by their detention in a penal institution. The convicted person is considered still to be a resident, and therefore able to register to vote with reference to an address, if they intend to return to that address on release from prison and will not be prevented from doing so by an order of any court. Alternatively, a convicted person is considered still to be resident, and therefore able to register to vote with reference to an address, where the address serves as a permanent place of residence (for the convicted person alone or with other persons) and the convicted person would be in actual residence there if it were not for their detention. The practical effect is that a prisoner is effectively granted an absent vote at the home address at which they were resident before being detained.