



# Scottish Elections (Franchise and Representation) Act 2020

2020 asp 6

## PART 1

### FOREIGN NATIONALS

#### *Enfranchisement for Scottish elections*

#### **1 Voting by qualifying foreign nationals**

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 2(1) (local government electors), in paragraph (c)—
  - (a) after “or” insert “—  
“(i) except in Scotland,”
  - (b) after “Union;” insert—  
“(ii) in Scotland, a qualifying foreign national,”
- (3) In section 4(3) (entitlement to be registered as a local government elector), in paragraph (c)—
  - (a) after “or” insert “—  
“(i) except in relation to a local government election in Scotland,”
  - (b) after “Union;” insert—  
“(ii) in relation to a local government election in Scotland, a qualifying foreign national,”
- (4) In section 7B (notional residence: declarations of local connection)—
  - (a) in subsection (3)(e)—
    - (i) after “elections” insert “ other than in Scotland ”, and
    - (ii) after “Union” insert “ or (if the declaration is made for the purposes only of the registration of local government electors in Scotland) a qualifying foreign national ”, and

*Status: Point in time view as at 03/08/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Elections (Franchise and Representation) Act 2020, Cross Heading: Enfranchisement for Scottish elections. (See end of Document for details)*

- (b) in subsection (7B), after paragraph (aa) (inserted by section 8(2)(c) of this Act) insert—
- “(ab) a declaration of local connection made by a qualifying foreign national.”
- (5) In section 15(5B) (service declaration), after paragraph (a) insert—
- “(aa) a service declaration made by a qualifying foreign national.”
- (6) In section 16(1) (contents of service declaration), in paragraph (e)—
- (a) after “or” in the second place it occurs insert “ (except where the declaration is made for the purposes only of the registration of local government electors in Scotland) ”, and
- (b) after “Union” insert “ or (if the declaration is made for the purposes only of the registration of local government electors in Scotland) a qualifying foreign national ”.
- (7) In section 17(1) (effect of service declaration), in paragraph (c)—
- (a) after “or” in the second place it occurs insert “ (in relation to a declaration made other than for the purposes of the registration of local government electors in Scotland) ”, and
- (b) after “Union” insert “ or (in relation to a declaration made for the purposes of the registration of local government electors in Scotland) a qualifying foreign national ”.
- (8) In section 49(5)(b) (effect of registers), after sub-paragraph (iv) insert—
- “(v) in the case of a person registered as a local government elector in Scotland or entered in the list of proxies by virtue of being a qualifying foreign national, a qualifying foreign national.”
- (9) In section 202 (general provisions as to interpretation), after the definition of “qualifying address” in subsection (1) insert—
- ““qualifying foreign national” means a person of any nationality who—
- (a) is not a Commonwealth citizen or a citizen of the Republic of Ireland, and
- (b) either—
- (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.”

**Commencement Information**

**II** S. 1 in force at 3.8.2020 by S.S.I. 2020/162, reg. 2

**Status:**

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