



# Scottish Elections (Franchise and Representation) Act 2020

2020 asp 6

## PART 3

### PRISONERS ETC.

#### *Enfranchisement for Scottish elections*

#### **5 Voting by convicted persons sentenced to terms of 12 months or less**

- (1) Section 3 of the Representation of the People Act 1983 (disenfranchisement of offenders in prison etc.) is amended as follows.
- (2) In subsection (1), after “election” insert “, unless subsection (1A) applies to that person”.
- (3) After subsection (1), insert—
  - “(1A) A convicted person is not legally incapable of voting at a local government election in Scotland by virtue of subsection (1) during the time that the person is detained in a penal institution in pursuance of a sentence imposed for a term not exceeding 12 months.
  - (1B) In calculating the term of a sentence of a convicted person for the purpose of subsection (1A), terms that are consecutive or concurrent to any extent are to be treated as a single term if the sentences were imposed on that person—
    - (a) on the same occasion, or
    - (b) on different occasions but the convicted person was not released (other than on temporary release) at any time during the period beginning with the first occasion and ending with the last.”.

#### **6 Review of operation of section 5**

- (1) The Scottish Ministers must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) undertake a review of the operation of section 5 of this Act with a view to considering whether the length of sentence expressed in section 3(1A) of the Representation of the People Act 1983 is appropriate, and
  - (b) prepare and publish a report on that review.
- (2) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.
- (3) In carrying out the review, the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The report on the review must be prepared, published and laid before the Scottish Parliament no later than 4 May 2023.