



Scottish Elections (Franchise and Representation) Act 2020

2020 asp 6

PART 3

PRISONERS ETC.

Registration

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

After section 7A of the Representation of the People Act 1983 insert—

“7AA Residence: convicted person to whom section 3(1A) applies

- (1) This section applies to a convicted person to whom section 3(1A) applies.
- (2) In determining whether the convicted person is resident in a dwelling on the relevant date for the purpose of section 4(3)(a), the convicted person’s residence is not to be taken to have been interrupted by reason of the convicted person’s detention in a penal institution if—
 - (a) the convicted person—
 - (i) intends to resume actual residence when released from the penal institution (other than on temporary release), and
 - (ii) will not be prevented from doing so by an order of any court, or
 - (b) the dwelling serves as a permanent place of residence (whether for the convicted person alone or with other persons) and the convicted person would be in actual residence there but for the convicted person’s detention.”

8 Residence of convicted persons in prison etc.: notional residence

- (1) In section 5(6) of the Representation of the People Act 1983 (residence of persons detained in legal custody), for “and 7A” substitute “, 7A and 7B (in so far as it relates

Status: This is the original version (as it was originally enacted).

to a declaration made for the purposes only of the registration of local government electors in Scotland)”.

(2) In section 7B of the Representation of the People Act 1983 (notional residence: declarations of local connection)—

(a) after subsection (2C), insert—

“(2D) In relation to the registration of local government electors in Scotland, this section also applies to a person who, on the date on which the person makes a declaration under subsection (1)—

- (a) is a convicted person to whom section 3(1A) applies, and
- (b) would not be entitled to be registered by virtue of residence at any place other than the penal institution in which the convicted person is detained.”,

(b) in subsection (4), after paragraph (c) insert—

“(d) in the case of a convicted person falling within subsection (2D)—

- (i) the address in Scotland where the convicted person would be residing but for the person’s detention,
 - (ii) if the convicted person cannot give an address under sub-paragraph (i), the address in Scotland at which the person was resident immediately before the person’s detention (but not the address of a penal institution) or, if the person was homeless at that time, the address of, or which is nearest to, a place in Scotland where the person commonly spent a substantial part of the person’s time (whether during the day or at night), or
 - (iii) if the convicted person cannot give an address under sub-paragraph (i) or (ii) (or can only give an address at which the person would be prevented from residing because of an order of any court), the address of the penal institution at which the convicted person is detained unless the person has a home outwith Scotland or would otherwise not be resident in Scotland but for the person’s detention.”,
- and

(c) in subsection (7B), after paragraph (a) insert—

“(aa) a declaration of local connection made by virtue of subsection (2D),”.