



# Scottish Elections (Franchise and Representation) Act 2020

2020 asp 6

## PART 1

### FOREIGN NATIONALS

#### *Candidacy etc.*

## 2 Scottish parliamentary elections: nomination, election and holding office

In section 16 of the Scotland Act 1998 (exceptions and relief from disqualification)—

- (a) subsection (2) is repealed,
- (b) after subsection (2) insert—

“(2A) A person is not disqualified from being a member of the Parliament merely because of section 3 of the Act of Settlement, provided the person—

- (a) is resident in the United Kingdom, and
- (b) meets one of the conditions mentioned in subsection (2B).

(2B) The conditions are that the person—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom (excluding a person who does not require such leave by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases)), or
- (b) is such a person but for the time being—
  - (i) has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act, or
  - (ii) has pre-settled status.

(2C) For the purposes of subsection (2B)(b)(ii), a person has pre-settled status if the person has limited leave to remain in the United Kingdom

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*Status: This is the original version (as it was originally enacted).*

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granted by virtue of residence scheme immigration rules (within the meaning of section 17(1) of the European Union (Withdrawal Agreement) Act 2020).”.