



# 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.”.