



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.”.