

These notes relate to the Scottish General Election (Coronavirus) Act 2021 (asp 5) which received Royal Assent on 29 January 2021

SCOTTISH GENERAL ELECTION (CORONAVIRUS) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Postal voting arrangements

Section 5: Power to provide for all-postal vote

14. This section confers a regulation-making power on the Scottish Ministers to make provision for the 2021 election to be conducted solely by means of postal voting. No physical polling would take place.
15. Subsection (3) would allow regulations made under subsection (1) to modify any enactment: including section 3(2) and (3) of the Act, which make provision relevant to postal voting as described above, but not including the rest of the Act.
16. The effect of subsection (4) is that regulations may be made only if a draft of the regulations has been laid before, and then approved by a resolution of, the Parliament. At the same time as laying draft regulations, the Scottish Ministers must – under subsection (5) – lay a statement of the reasons for the regulations.
17. Subsection (6) requires the Scottish Ministers to consult those persons listed before making regulations under this section. Information on what the consultees say must be included in the statement of reasons mentioned above.