

SCOTTISH GENERAL ELECTION (CORONAVIRUS) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Arrangements for new Parliament

Section 9: First meeting of new Parliament and choice of new First Minister

37. This section allows the Presiding Officer discretion to fix a day for the first meeting of the new Parliament after the 2021 election takes place, in consultation with the Electoral Commission and the convener of the Electoral Management Board for Scotland. The usual rule, disapplied by section 2 of the Act, is that the first meeting of a new Parliament must take place within 7 days of a general election. It is anticipated that a longer interval might be needed to allow for the possibility of extended polling and counting taking place due to the impact of coronavirus measures. However, subsection (2) still requires that the first meeting is fixed as soon as reasonably practicable after the election.
38. Section 46 of the Scotland Act 1998 requires the Parliament to nominate a First Minister within 28 days of an election. Because the period within which the first meeting of the new Parliament will occur following the 2021 election is not certain, subsections (3) and (4) make provision to ensure that any delay beyond the normal 7 day deadline for the first meeting is not counted as part of the 28 day period under section 46.

Section 10: Election of new Presiding Officer

39. This section modifies section 19(1A)(b) of the Scotland Act 1998 so that, rather than having to take place within 14 days of the election, as would normally be the case, the selection of a new Presiding Officer (and two deputies) by MSPs must occur as soon as reasonably practicable after the 2021 election. Under section 19 of the 1998 Act this would also have to take place before any other business is conducted by the new Parliament, except for MSPs taking their oaths of office.