



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.”.

Changes to legislation:

There are currently no known outstanding effects for the Scottish Elections (Franchise and Representation) Act 2020, Section 5.