



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Franchise and conduct of elections*

#### **[<sup>F1</sup>12 Power of the Scottish Ministers to make provision about elections**

- (1) The Scottish Ministers may by order make any provision that would be within the legislative competence of the Parliament, if included in an Act of the Scottish Parliament, as to—
  - (a) the conduct of elections for membership of the Parliament,
  - (b) the questioning of such an election and the consequences of irregularities, and
  - (c) the return of members of the Parliament otherwise than at an election.
- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision—
  - (a) about the registration of electors,
  - (b) for disregarding alterations in a register of electors,
  - (c) about the limitation of the election expenses of candidates,
  - (d) for the combination of polls,
  - (e) for modifying the application of section 7(1) where the poll at an election for the return of a constituency member is abandoned (or notice of it is countermanded), and
  - (f) for modifying section 8(7) to ensure the allocation of the correct number of seats for the region.
- (3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 10(4) to (5A).
- (4) An order under subsection (1) may—

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*Changes to legislation: There are currently no known outstanding effects  
 for the Scotland Act 1998, Section 12. (See end of Document for details)*

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- (a) apply, with or without modifications or exceptions, any provision made by or under the Representation of the People Acts <sup>F2</sup>... or by any other enactment relating to parliamentary elections <sup>F3</sup>... or local government elections, and
  - (b) so far as may be necessary in consequence of any provision made by an order under subsection (1), modify any provision made by any enactment relating to the registration of parliamentary electors or local government electors.
- (5) The return of a member of the Parliament at an election may be questioned only under Part 3 of the Representation of the People Act 1983 as applied by an order under subsection (1).
- (6) For the purposes of this Act, the regional returning officer for any region is the person designated as such in accordance with an order made by the Scottish Ministers under this subsection.]

#### Textual Amendments

- F1** Ss. 12, 12A substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 4(1)**, 72(4)(a); S.I. 2017/608, [reg. 2\(1\)\(b\)](#)
- F2** Words in s. 12(4)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [s. 25\(4\)](#), **Sch. 3 para. 8(a)** (with [s. 19](#), [Sch. 8 para. 37](#)); S.I. 2020/1622, [reg. 3\(1\)](#) (with [regs. 10, 22](#))
- F3** Words in s. 12(4)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [s. 25\(4\)](#), **Sch. 3 para. 8(b)** (with [s. 19](#), [Sch. 8 para. 37](#)); S.I. 2020/1622, [reg. 3\(1\)](#) (with [regs. 10, 22](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 12.