



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Disqualification*

#### **16 Exceptions and relief from disqualification**

- (1) A person is not disqualified from being a member of the Parliament merely because—
  - (a) he is a peer (whether of the United Kingdom, Great Britain, England or Scotland), or
  - (b) he has been ordained or is a minister of any religious denomination.
- (2) A citizen of the European Union who is resident in the United Kingdom is not disqualified from being a member of the Parliament merely because of section 3 of the Act of Settlement (disqualification of persons born outside the United Kingdom other than Commonwealth citizens and citizens of the Republic of Ireland).
- (3) Subsection (4) applies where a person was, or is alleged to have been, disqualified from being a member of the Parliament (either generally or in relation to a particular constituency or region) on any ground other than one falling within section 15(1)(b).
- (4) The Parliament may resolve to disregard any disqualification incurred by that person on the ground in question if it considers that—
  - (a) the ground has been removed, and
  - (b) it is proper to disregard any disqualification so incurred.
- (5) A resolution under this section shall not—
  - (a) affect any proceedings under Part III of the Representation of the People Act 1983 as applied by an order under section 12, or
  - (b) enable the Parliament to disregard any disqualification which has been established in such proceedings or in proceedings under section 18.