



Scotland Act 2016

2016 CHAPTER 11

PART 1

CONSTITUTIONAL ARRANGEMENTS

Elections etc

4 Power to make provision about elections

- (1) For sections 12 and 12A of the Scotland Act 1998 (power of Scottish Ministers and Secretary of State to make provision about elections) substitute—

“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

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- (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—
 - (a) apply, with or without modifications or exceptions, any provision made by or under the Representation of the People Acts or the European Parliamentary Elections Act 2002 or by any other enactment relating to parliamentary elections, European Parliamentary elections 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.

12A Power of the Secretary of State to make provision about the combination of polls

- (1) The Secretary of State may by regulations make provision for—
 - (a) the combination of polls at ordinary general elections for membership of the Parliament with polls at the elections listed in subsection (2), and
 - (b) the combination of polls at extraordinary general elections for membership of the Parliament, and by-elections for membership of the Parliament, with polls at the elections listed in subsections (2) and (3).
- (2) The elections are—
 - (a) early parliamentary general elections,
 - (b) parliamentary by-elections, and
 - (c) European parliamentary by-elections.
- (3) The elections are—
 - (a) parliamentary general elections, and
 - (b) European parliamentary general elections.
- (4) The Secretary of State may not make regulations under this section without the agreement of the Scottish Ministers.
- (5) Regulations under subsection (1) may—
 - (a) apply, with or without modifications or exceptions, any provision made by or under the Representation of the People Acts or the European Parliamentary Elections Act 2002 or by any

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other enactment relating to parliamentary elections, European Parliamentary elections or local government elections, and

- (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for membership of the Parliament.”

- (2) In section 15 of the Representation of the People Act 1985 (combination of polls) after subsection (5B) insert—

“(5C) Before making provision under subsection (5) in connection with the combination of polls where one of the elections is a local government election in Scotland, the Secretary of State must consult the Scottish Ministers.”

Commencement Information

II S. 4 in force at 18.5.2017 by S.I. 2017/608, reg. 2(1)(b)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)