

2001 No.1748 (S.10)

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scottish Parliament (Elections etc.) (Amendment)
(No. 2) Order 2001**

Made

3rd May 2001

Coming into force in accordance with article 1

Whereas a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament;

Now therefore, the Secretary of State, in exercise of the powers conferred upon her by sections 12(1) and 113 of the Scotland Act 1998(a), and of all other powers enabling her in that behalf, and after consulting the Electoral Commission(b), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Scottish Parliament (Elections etc.) (Amendment) (No. 2) Order 2001 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—
“the principal Order” means the Scottish Parliament (Elections etc.) Order 1999(c).

Amendment of Schedule 2 to the principal Order (Scottish Parliamentary Election Rules)

3.—(1) Schedule 2 to the principal Order shall be amended in accordance with this article.

(2) In rule 1(1) (timetable), after “shall” insert “, subject to rule 1A below,”.

(3) In rule 1(2), for “In” substitute—

“Except in relation to the substitutions made by rule 1A below, in”.

(4) After rule 1 insert—

“Timetable - Election to fill vacancy in a constituency seat

1A. In the case of an election under section 9 of the Scotland Act 1998 (constituency vacancies), the proceedings shall be conducted in accordance with the Table in rule 1(1) above, but subject to the following substitutions—

(a) 1998 c.46.

(b) As required by section 7 of the Political Parties, Elections and Referendums Act 2000 (c.41).

(c) S.I. 1999/787, to which there are amendments not relevant to this Order.

(a) for the first entry in the Table substitute–

“Publication of notice of election to fill a constituency vacancy.

Not earlier than the twenty-eighth day before the date of the poll and not later than the fourteenth day before the date of the poll.”; and

(b) for the second entry in the Table substitute–

“Delivery of constituency nomination papers.

Not later than 4pm on any day after the date of the publication of the notice of election but not later than the eleventh day before the date of the poll.”.

Scotland Office
Meridian Court
Glasgow
3rd May 2001

HELEN LIDDELL
One of Her Majesty’s Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Scottish Parliament (Elections etc.) Order 1999 (“the 1999 Order”).

Schedule 2 to the 1999 Order contains the Scottish Parliamentary Election Rules, rule 1 of which sets out the timetable for proceedings at a Scottish Parliamentary election. This Order amends that timetable in the case of an election to fill a vacancy in a constituency seat.

The Order provides that the time for the publication of the notice of election to fill that vacancy is to be not earlier than 28 days before the date of the poll (as currently applies for all other elections to the Scottish Parliament) and not later than 14 days before the date of the poll (rather than 21 days for all other elections to the Scottish Parliament).

The Order also provides that the time when constituency nomination papers are to be delivered is to be not later than 4pm on any day after the date when the notice of election is published, but not later than the 11th day before the date of the poll (rather than the 16th day for all other Scottish Parliamentary elections).

The 1999 Order was also amended by the Scottish Parliament (Elections etc.) (Amendment) Order 2001 (S.I. 2001/1399), but the amendments made by that Order are not relevant for the purposes of this Order.

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