



Scottish Elections (Reform) Act 2020

2020 asp 12

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 3rd June 2020 and received Royal Assent on 8th July 2020

An Act of the Scottish Parliament to reform certain aspects of the law relating to Scottish parliamentary and local government elections, including length of terms; to make provision about the role of the Electoral Commission in relation to those elections; to confer functions on the Electoral Management Board for Scotland in relation to Scottish parliamentary elections; to rename and make provision about the Local Government Boundary Commission for Scotland; and for connected purposes.

PART 1

GENERAL REFORMS

Term lengths

1 Dates of general elections to the Scottish Parliament

- (1) In the Scotland Act 1998—
 - (a) in section 2 (ordinary general elections)—
 - (i) subsection (1) is repealed,
 - (ii) in subsection (2), for the words from the beginning to “fourth” substitute “ The day on which the poll at an ordinary general election for membership of the Parliament is to be held is the first Thursday in May in the fifth ”,
 - (b) in the table in paragraph 1(2) of schedule 7 (procedure for subordinate legislation), the entry relating to section 2(1) is repealed.
- (2) Section 1 of the Scottish Elections (Dates) Act 2016 (date of general election for Scottish Parliament) is repealed.

Commencement Information

II [S. 1](#) in force at 1.10.2020 by [S.S.I. 2020/278](#), [reg. 2](#), [sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Scottish Elections (Reform) Act 2020. (See end of Document for details)

2 Dates of Scottish local government elections

- (1) In section 5 of the Local Government etc. (Scotland) Act 1994 (elections and term of office of councillors)—
- (a) subsections (1A) and (1B) are repealed,
 - (b) in subsection (1C), for “fourth” substitute “ fifth ”.
- (2) In section 43 of the Representation of the People Act 1983 (day of ordinary local elections in Scotland etc.), in subsection (1C) for “5(1A) or (1B)” substitute “ 5(1C) ”.

Commencement Information

I2 S. 2 in force at 14.5.2021 by [S.S.I. 2021/124](#), reg. 2, [sch.](#)

Scottish Parliament elections

3 Postponement of general elections to the Scottish Parliament

- (1) The Scotland Act 1998 is amended as follows.
- (2) In section 2 (ordinary general elections)—
- (a) in subsection (5)(a), after “Parliament” insert “ (unless the Parliament is already dissolved) ”,
 - (b) after subsection (5) insert—

“(5ZZA) Before proposing a day for the holding of the poll under subsection (5), the Presiding Officer must consult the Electoral Commission.”.
- (3) In section 3 (extraordinary general elections), after subsection (2) insert—
- “(2A) Subsection (2B) applies if a proclamation is made under subsection (2).
- (2B) If the Presiding Officer proposes another day for the holding of the poll at the extraordinary general election which is not more than one month later than the day on which the poll is required to be held under the proclamation, Her Majesty may by further proclamation under the Scottish Seal—
- (a) require the poll at the election to be held instead on the day proposed under this subsection, and
 - (b) require the Parliament to meet within the period of seven days beginning immediately after the day of the poll.
- (2C) Before proposing a day for the holding of the poll under subsection (2B), the Presiding Officer must consult the Electoral Commission.”.

Commencement Information

I3 S. 3 in force at 1.10.2020 by [S.S.I. 2020/278](#), reg. 2, [sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Scottish Elections (Reform) Act 2020. (See end of Document for details)

Scottish local government elections

4 Electoral wards: number of councillors

- (1) Section 1 of the Local Governance (Scotland) Act 2004 (electoral wards) is amended as follows.
- (2) In subsection (2)—
 - (a) for “either three or four” substitute “ two, three, four or five ”,
 - (b) the words “(order giving effect to proposals made by Boundary Commission)” are repealed,
 - (c) after “(“the 1973 Act”)” insert “ (regulations giving effect to proposals made by Boundaries Scotland after, in particular, complying with the duty in section 28(2), and schedule 6, of the 1973 Act) ”.
- (3) In subsection (2A), for “either one or two” substitute “ one ”.

Commencement Information

I4 S. 4 in force at 14.5.2021 by [S.S.I. 2021/124](#), reg. 2, [sch.](#)

5 Electors: prohibition on voting more than once

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 2(2) (prohibitions on voting more than once)—
 - (a) the word “or” following paragraph (a) is repealed,
 - (b) at the end of paragraph (b) insert “, or
 - (c) in more than one electoral area at an election of councillors for any local government area in Scotland when the polls for more than one local government election are held on the same day.”.
- (3) In section 61 (voting offences)—
 - (a) after subsection (2)(a) insert—
 - “(ab) the person votes as elector otherwise than by proxy in more than one electoral area at an election of councillors for any local government area in Scotland when the polls for more than one local government election are held on the same day, or
 - (ac) the person votes as elector otherwise than by proxy in any electoral area at an election of councillors for a local government area in Scotland when—
 - (i) there is in force an appointment of a person to vote as the person's proxy at the election in some other electoral area in Scotland, and
 - (ii) the polls for more than one local government election are held on the same day, or”,
 - (b) after subsection (3)(a) insert—
 - “(ab) the person votes as proxy for the same elector in more than one electoral area at an election of councillors for any local

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government area in Scotland when the polls for more than one local government election are held on the same day, or”.

Commencement Information

I5 S. 5 in force at 29.9.2021 by S.S.I. 2021/311, reg. 2, sch. (with reg. 3)

6 Electronic voting

(1) The Local Governance (Scotland) Act 2004 is amended in accordance with subsections (2) and (3).

(2) In section 2 (single transferable vote)—

- (a) the existing text becomes subsection (1),
- (b) in that subsection, for “marking on the ballot paper” substitute “specifying”,
- (c) after that subsection insert—

“(2) A preference is specified in accordance with subsection (1) by the person—

- (a) marking the preference on the ballot paper, or
- (b) communicating the preference by such electronic means as may be permitted by or under this Act or any other enactment.”.

(3) In section 3 (power to make further provision about local government elections), after subsection (2A) insert—

“(2B) The references to “ballot papers” and “transferred ballot paper” in subsection (2) are to be read as including any paper or electronic form used to record a vote communicated by electronic means.”.

Commencement Information

I6 S. 6 in force at 1.10.2020 by S.S.I. 2020/278, reg. 2, sch.

7 Evaluation of pilot schemes

In section 5 of the Scottish Local Government (Elections) Act 2002 (pilot schemes for local elections)—

- (a) in subsection (8), for “local authority” substitute “Electoral Commission”,
- (b) in subsection (10)—
 - (i) in the opening words, for “local authority” substitute “Electoral Commission”,
 - (ii) after paragraph (a) insert—

“(aa) the arrangements made under the scheme assisted disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to vote at the elections,”,

(c) after subsection (11) insert—

“(11A) In preparing the report, the Electoral Commission may consult such persons as they think appropriate.”,

Changes to legislation: There are currently no known outstanding effects for the Scottish Elections (Reform) Act 2020. (See end of Document for details)

- (d) for subsection (12) substitute—
- “(12) The Electoral Commission must—
- (a) send a copy of the report to—
- (i) the Scottish Ministers, and
- (ii) the local authority which proposed the scheme, and
- (b) publish the report in such manner as they think fit,
- by the end of the period of three months beginning with the date of the declaration of the result of the elections to which the report relates.”.

Commencement Information

I7 S. 7 in force at 1.10.2020 by S.S.I. 2020/278, reg. 2, sch.

Registration of attainers

8 Entitlement to register as an elector before attaining voting age

- (1) Section 4 of the Representation of the People Act 1983 (entitlement to be registered as parliamentary or local government elector) is amended in accordance with subsections (2) and (3).
- (2) In subsection (5), after “electors”, in the second place where it occurs, insert “, other than a register of local government electors in Scotland (see subsection (5B)), ”.
- (3) After subsection (5A) insert—
- “(5B) A person otherwise qualified is (despite subsection (3)(d)) entitled to be registered in a register of local government electors in Scotland if the person is 14 years of age or over, but—
- (a) the person's entry in the register must give the date on which the person will attain voting age, and
- (b) until the date given in the entry the person shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.
- (5C) If a person entitled to be registered by virtue of subsection (5B) has an anonymous entry in the register, the references in paragraphs (a) and (b) of that subsection to the person's entry in the register are to be read as references to the person's entry in the record of anonymous entries prepared in pursuance of paragraph 8A of schedule 2.”.
- (4) Regulation 44 of the Representation of the People (Scotland) Regulations 2001 (S.S.I. 2001/497) is amended as follows—
- (a) in paragraph (2)(d), after “section 4(5)” insert “ or (5B) ”,
- (b) in paragraph (4)(ii), after “section 4(5)” insert “ or (5B) ”.

Commencement Information

I8 S. 8 in force at 1.10.2020 by S.S.I. 2020/278, reg. 2, sch.