



# Scotland Act 2012

## 2012 CHAPTER 11

### PART 1

#### THE PARLIAMENT AND ITS POWERS

##### *The Scottish Parliament*

#### **1 Administration of elections**

- (1) Section 12 of the 1998 Act (power to make provision about elections) is amended as follows.
- (2) In subsection (1)—
  - (a) for “Secretary of State” substitute “Scottish Ministers”;
  - (b) after paragraph (a) insert “and”;
  - (c) omit paragraph (c) and the “and” before it.
- (3) In subsection (2)—
  - (a) after “subsection (1)(a)” insert “does not include provision that may be made by the Secretary of State under section 12A but, subject to that,”;
  - (b) for paragraph (a) substitute—
    - “(a) about supplying or otherwise dealing with a register of electors,”;
  - (c) omit paragraph (b);
  - (d) after paragraph (c) insert “and”;
  - (e) in paragraph (d) after “other elections” insert “, if the conduct of the other election falls within the legislative competence of the Parliament.”;
  - (f) omit paragraphs (e) and (f).
- (4) Omit subsection (3).
- (5) In subsection (4) omit paragraphs (b) and (c).
- (6) In subsection (6) for “Secretary of State” substitute “Scottish Ministers”.

---

*Status: This is the original version (as it was originally enacted).*

---

(7) After that subsection insert—

“(7) Before making an order under this section the Scottish Ministers must consult the Secretary of State.”

(8) In the heading of the section, after “Power” insert “of the Scottish Ministers”.

(9) After that section insert—

**“12A Power of the Secretary of State to make provision about elections**

(1) The Secretary of State may by regulations make provision—

- (a) about the registration of electors,
- (b) 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),
- (c) for modifying section 8(7) to ensure the allocation of the correct number of seats for the region, and
- (d) as to the return of members of the Parliament otherwise than at an election.

(2) The provision that may be made under subsection (1)(a) includes—

- (a) provision for disregarding alterations in a register of electors, and
- (b) other provision about, or for purposes connected with, the content of a register or the effect of registration,

but subject to that it does not include provision about supplying or otherwise dealing with a register.

(3) The provision that may be made under subsection (1)(d) includes, in particular, provision modifying section 10(4) and (5).

(4) 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 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 this Act or regulations under subsection (1), modify any provision made by any enactment relating to the registration of parliamentary electors or local government electors.

(5) Before making regulations under this section the Secretary of State must consult the Scottish Ministers.”