



Scottish Independence Referendum (Franchise) Act 2013 (repealed)

2013 asp 13

Franchise at independence referendum

2 Those entitled to vote in an independence referendum

- (1) A person is entitled to vote in an independence referendum if, on the date on which the poll at the referendum is held, the person is—
- (a) aged 16 or over,
 - (b) registered in either—
 - (i) the register of local government electors maintained under section 9(1)(b) of the 1983 Act for any area in Scotland, or
 - (ii) the register of young voters maintained under section 4 of this Act for any such area,
 - (c) not subject to any legal incapacity to vote (age apart), and
 - (d) a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union.
- (2) For the purposes of this Act, a person is, on any date, subject to a legal incapacity to vote if the person—
- (a) would be legally incapable (whether by virtue of any enactment or any rule of law) of voting at a local government election in Scotland held on that date, or
 - (b) is legally incapable, by virtue of section 3, of voting in an independence referendum held on that date.

3 Offenders in prison etc. not to be entitled to vote

- (1) A convicted person is legally incapable of voting in an independence referendum for the period during which the person is detained in a penal institution in pursuance of the sentence imposed on the person.
- (2) A convicted person who is unlawfully at large at a time when the person would otherwise be detained as mentioned in subsection (1) is to be treated for the purposes of that subsection as being so detained at that time.

Status: Point in time view as at 08/08/2013.

Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum (Franchise) Act 2013 (repealed), Cross Heading: Franchise at independence referendum. (See end of Document for details)

- (3) For the purposes of subsection (1)—
- (a) a person detained for default in complying with a sentence is not to be treated as being detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, and
 - (b) a person detained by virtue of a conditional pardon in respect of an offence is to be treated as detained in pursuance of the sentence for the offence.
- (4) It does not matter for the purposes of subsection (1) whether a person was convicted, or a sentence imposed, before or after the commencement of this Act.
- (5) In this section—
- “convicted person” means a person found guilty of an offence (whether under the law of any part of the United Kingdom or anywhere else) and—
- (a) includes a person found guilty by a court of a service offence within the meaning of the Armed Forces Act 2006, but
 - (b) does not include a person dealt with by committal or other summary process for contempt of court,
- “penal institution” means an institution to which the Prison Act 1952, the Prison Act (Northern Ireland) 1953 or the Prisons (Scotland) Act 1989 applies.

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