



Scottish Elections (Franchise and Representation) Act 2020

2020 asp 6

PART 1

FOREIGN NATIONALS

Enfranchisement for Scottish elections

1 Voting by qualifying foreign nationals

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 2(1) (local government electors), in paragraph (c)—
 - (a) after “or” insert “—
“(i) except in Scotland,”
 - (b) after “Union;” insert—
“(ii) in Scotland, a qualifying foreign national,”
- (3) In section 4(3) (entitlement to be registered as a local government elector), in paragraph (c)—
 - (a) after “or” insert “—
“(i) except in relation to a local government election in Scotland,”
 - (b) after “Union;” insert—
“(ii) in relation to a local government election in Scotland, a qualifying foreign national,”
- (4) In section 7B (notional residence: declarations of local connection)—
 - (a) in subsection (3)(e)—
 - (i) after “elections” insert “other than in Scotland”, and
 - (ii) after “Union” insert “or (if the declaration is made for the purposes only of the registration of local government electors in Scotland) a qualifying foreign national”, and

Status: This is the original version (as it was originally enacted).

- (b) in subsection (7B), after paragraph (aa) (inserted by section 8(2)(c) of this Act) insert—
 - “(ab) a declaration of local connection made by a qualifying foreign national.”
- (5) In section 15(5B) (service declaration), after paragraph (a) insert—
 - “(aa) a service declaration made by a qualifying foreign national.”
- (6) In section 16(1) (contents of service declaration), in paragraph (e)—
 - (a) after “or” in the second place it occurs insert “(except where the declaration is made for the purposes only of the registration of local government electors in Scotland)”, and
 - (b) after “Union” insert “or (if the declaration is made for the purposes only of the registration of local government electors in Scotland) a qualifying foreign national”.
- (7) In section 17(1) (effect of service declaration), in paragraph (c)—
 - (a) after “or” in the second place it occurs insert “(in relation to a declaration made other than for the purposes of the registration of local government electors in Scotland)”, and
 - (b) after “Union” insert “or (in relation to a declaration made for the purposes of the registration of local government electors in Scotland) a qualifying foreign national”.
- (8) In section 49(5)(b) (effect of registers), after sub-paragraph (iv) insert—
 - “(v) in the case of a person registered as a local government elector in Scotland or entered in the list of proxies by virtue of being a qualifying foreign national, a qualifying foreign national.”
- (9) In section 202 (general provisions as to interpretation), after the definition of “qualifying address” in subsection (1) insert—
 - ““qualifying foreign national” means a person of any nationality who—
 - (a) is not a Commonwealth citizen or a citizen of the Republic of Ireland, and
 - (b) either—
 - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
 - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.”