



# Scottish Independence Referendum (Franchise) Act 2013

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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.