



Scotland Act 1998

1998 CHAPTER 46

PART I

THE SCOTTISH PARLIAMENT

Vacancies

9 Constituency vacancies

- (1) Where the seat of a constituency member is vacant, an election shall be held to fill the vacancy (subject to subsection (4)).
- (2) The date of the poll shall be fixed by the Presiding Officer.
- (3) The date shall fall within the period of three months—
 - (a) beginning with the occurrence of the vacancy, or
 - (b) if the vacancy does not come to the notice of the Presiding Officer within the period of one month beginning with its occurrence, beginning when it does come to his notice.
- (4) The election shall not be held if the latest date for holding the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 2(5)).
- (5) For the purposes of this section, the date on which a vacancy is to be treated as occurring shall be determined under standing orders.
- (6) A person may not be a candidate at such an election if he is a member of the Parliament or a candidate in another election to fill a vacancy.

10 Regional vacancies

- (1) This section applies where the seat of a regional member is vacant.

Status: This is the original version (as it was originally enacted).

- (2) If the regional member was returned as an individual candidate, or the vacancy is not filled in accordance with the following provisions, the seat shall remain vacant until the next general election.
- (3) If the regional member was returned (under section 8 or this section) from a registered political party's regional list, the regional returning officer shall notify the Presiding Officer of the name of the person who is to fill the vacancy.
- (4) He must be a person who—
 - (a) is included in that list, and
 - (b) is willing to serve as a regional member for the region.
- (5) Where more than one person satisfies the conditions in subsection (4), the regional returning officer shall notify the name of whichever of them was higher, or highest, in the list.
- (6) Where a person's name has been notified under subsection (3), this Act shall apply as if he had been declared to be returned as a regional member for the region on the day on which notification of his name was received by the Presiding Officer.
- (7) For the purposes of this section, the date on which a vacancy is to be treated as occurring shall be determined under standing orders.