
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 425

The Scottish Parliament (Elections etc.) Order 2015

PART 2

THE FRANCHISE AND ITS EXERCISE

Effect of registers

21.—(1) A person [^{F1}registered as a local government elector or] entered in the list of proxies must not be excluded from voting at a Scottish parliamentary election on any of the grounds set out in paragraph (2); but this shall not prevent the rejection of the vote on a scrutiny, or affect that person's liability to any penalty for voting.

(2) The grounds referred to in paragraph (1) are that the person—

- (a) is not of voting age;
- (b) is not, or, on the relevant date or the date of the person's appointment (as the case may be), was not—
 - (i) a Commonwealth citizen;
 - (ii) a citizen of the Republic of Ireland;
 - [^{F2}(iii) a qualifying foreign national;]

(c) is, or, on the relevant date or the date of the person's appointment (as the case may be), was, otherwise subject to any other legal incapacity to vote.

(3) In paragraph (2), the "relevant date" means—

- (a) in relation to a person registered in the register of electors as published in accordance with section 13(1) of the 1983 Act⁽¹⁾ (requirement to publish the revised register following annual canvas by 1st December), the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act⁽²⁾ (entitlement to be registered as parliamentary or local government elector).

[^{F3}(4) Any entry in the register of electors, if it gives a date as that on which the person named will attain voting age, will, for any purpose of this Part relating to that person as elector, be conclusive that until the date given in the entry that person is not of voting age nor entitled to be treated as an elector except for the purposes of a Scottish parliamentary election at which the date fixed for the poll is that or a later date.

(5) Article 21(4) applies to an entry in the record of anonymous entries as it applies to an entry in the register of local government electors.]

(1) Section 13 was substituted by the 2000 Act, Schedule 1, paragraph 6.

(2) Section 4 was substituted by the 2000 Act, section 1(2) and amended by the 2006 Act, Schedule 1, paragraph 3.

Changes to legislation: There are currently no known outstanding effects for the The Scottish Parliament (Elections etc.) Order 2015, Section 21. (See end of Document for details)

Textual Amendments

- F1** Words in art. 21(1) inserted (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), **5(2)** (with art. 1(2))
- F2** Words in art. 21(2)(b)(iii) substituted (3.8.2020) by [The Scottish Parliament \(Elections etc.\) Amendment Order 2020 \(S.S.I. 2020/179\)](#), arts. 1(2), 4; S.S.I. 2020/162, reg. 2
- F3** Art. 21(4)(5) inserted (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), **5(3)** (with art. 1(2))
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Commencement Information

- I1** Art. 21 in force at 16.12.2015 in accordance with art. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Scottish Parliament (Elections etc.) Order 2015, Section 21.