



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

##### *Conduct of local government elections in Scotland*

#### **43 Day of ordinary local elections in Scotland, and other timing provisions.**

[<sup>F1</sup>(1) [<sup>F2</sup>Subject to subsection (1AA),] in every year in which ordinary elections of councillors for local government areas in Scotland are held, the [<sup>F3</sup>day on which the poll is held at an] election is—

- (a) the first Thursday in May; or
- (b) such other day as may be fixed by the Secretary of State by order made by statutory instrument not later than 1st February in the year preceding the year or, in the case of an order affecting more than one year, the first year in which the order is to take effect.

(1A) An order made under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F4</sup>(1AA) The poll shall not be held on the day specified in or fixed under subsection (1) where that day is the day of the poll at an ordinary general election for membership of the Scottish Parliament.

(1AB) Where subsection (1AA) prevents the poll being held on the day specified in or fixed under subsection (1), the poll is to be held on such other day as the Scottish Ministers may by order specify.

(1AC) An order under subsection (1AB) is subject to the affirmative procedure.]

[<sup>F5</sup>(1B) Despite subsection (1) above—

- <sup>F6</sup>(a) .....

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- (b) if an extraordinary general election is, under section 3(2) of [<sup>F7</sup>the Scotland Act 1998 (c. 46) (“the 1998 Act”)] (which enables the holding of such an election), to be held on a day occurring within the relevant period, the Scottish Ministers may, by order, provide that the poll at the ordinary local election to be held that year shall be held on that day;
- (1C) In subsection (1B) above—
- “extraordinary general election” means a general election for membership of the Scottish Parliament held under section 3 of the 1998 Act;  
<sup>F8</sup> .....
- “ordinary local election” means an ordinary election of councillors for local government areas in Scotland held in accordance with section 5 of the 1994 Act and this Act;
- “relevant period” means the period beginning with 11th March in a year in which an ordinary local election falls to be held and ending with the day which immediately precedes the first Thursday in May in that year, and references to the time when a local election falls or does not fall to be held are to be construed in accordance with section [<sup>F9</sup>5(1C)] of the 1994 Act.
- (1D) An order under subsection (1B) above shall be made by statutory instrument.]
- (2) Where—
- (a) the day or the last day on which anything is required or permitted to be done by any rules under section 42 above, or
- (b) the day on which anything is required to be done under subsection (1) [<sup>F10</sup>or (1B)] above <sup>F11</sup> . . . or section 45(1) below,
- is a [<sup>F12</sup>Saturday] Sunday, [<sup>F12</sup>Christmas Eve] Christmas Day, New Year’s Day, [<sup>F12</sup>Maundy Thursday] Good Friday, bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned, but, save as aforesaid or as otherwise expressly provided in this Act or by the <sup>M1</sup>Local Government [<sup>F13</sup>etc. (Scotland) Act 1994], in reckoning a number of days [<sup>F14</sup>for the purposes of this Part of this Act in so far as it relates to the conduct of local government elections in Scotland], the days before specified shall not be excluded.
- (3) Where [<sup>F15</sup>the day on which the poll is held at] an election is postponed under subsection (2) above, the day on which the election is held shall be treated as the day of [<sup>F16</sup>poll] for all purposes of this Act or that Act of [<sup>F17</sup>1994] relating to that election.
- (4) Where a day is declared to be a bank holiday or day of public thanksgiving or mourning, nothing in subsection (3) above affects the validity of any act done in relation to an election before or on the date of the declaration.

#### Textual Amendments

- F1** S. 43(1)(1A) substituted (S.) (1.4.1996) for s. 43(1) by 1994 c. 39, ss. 6, 7(2); S.I. 1996/323, art. 4(1) (a), Sch. 1
- F2** Words in s. 43(1) inserted (18.5.2017) by Scotland Act 2016 (c. 11), ss. 5(10), 72(4)(a); S.I. 2017/608, reg. 2(1)(c)
- F3** Words in s. 43(1) substituted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(a)(6)(a)

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- F4** S. 43(1AA)-(1AC) inserted (18.5.2017) by Scotland Act 2016 (c. 11), **ss. 5(11)**, 72(4)(a); S.I. 2017/608, reg. 2(1)(c)
- F5** S. 43(1B)-(1D) inserted (S.) (22.1.2002) by Scottish Local Government (Elections) Act 2002 (asp 1), **s. 2(1)**
- F6** S. 43(1B)(a) repealed (30.4.2010) by Scottish Local Government (Elections) Act 2009 (asp 10), s. 3(3), **Sch. para. 1(2)(a)**; S.S.I. 2010/132, art. 2
- F7** Words in s. 43(1B)(b) substituted (30.4.2010) by Scottish Local Government (Elections) Act 2009 (asp 10), s. 3(3), **Sch. para. 1(2)(b)**; S.S.I. 2010/132, art. 2
- F8** Words in s. 43(1C) repealed (30.4.2010) by Scottish Local Government (Elections) Act 2009 (asp 10), s. 3(3), **Sch. para. 1(3)(a)**; S.S.I. 2010/132, art. 2
- F9** Word in s. 43(1C) substituted (S.) (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), **ss. 2(2)**, 35; S.S.I. 2021/124, reg. 2, sch.
- F10** Words in s. 43(2)(b) inserted (S.) (22.1.2002) by Scottish Local Government (Elections) Act 2002 (asp 1), **s. 2(2)**
- F11** ", or section 44(2)" repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**
- F12** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), **s. 19(3)**
- F13** Words in s. 43(2) substituted (S.) (retrospective to 8.11.1994) by Scottish Local Government (Elections) Act 2002 (asp 1), **s. 4(3)(b)(6)(b)**
- F14** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), **s. 19(3)**
- F15** Words in s. 43(3) inserted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), **s. 4(3)(c)(i)(6)(a)**
- F16** Word in s. 43(3) substituted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), **s. 4(3)(c)(ii)(6)(a)**
- F17** Word in s. 43(3) substituted (S.) (retrospective to 8.11.1994) by Scottish Local Government (Elections) Act 2002 (asp 1), **s. 4(3)(c)(iii)(6)(b)**

**Modifications etc. (not altering text)**

- C1** S. 43 excluded (S.) (8.11.1994) by 1994 c. 39, **ss. 5(2)**, 7(2); S.I. 1994/2850, art. 2, **Sch. 1**

**Marginal Citations**

- M1** 1973 c. 65.

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