



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *General elections*

## 2 Ordinary general elections.

<sup>F1</sup>(1) .....

(2) [<sup>F2</sup>The day on which the poll at an ordinary general election for membership of the Parliament is to be held is the first Thursday in May in the fifth] calendar year following that in which the previous ordinary general election was held, unless

- [<sup>F3</sup>(a) subsection (2A) prevents the poll being held on that day, or
- (b) the day of the poll is determined by a proclamation under subsection (5).]

[<sup>F4</sup>(2A) The poll shall not be held on the same date as the date of the poll at—

(a) a parliamentary general election <sup>F5</sup> ..., <sup>F6</sup> ...

<sup>F6</sup>(b) .....

(2B) Where subsection (2A) prevents the poll being held on the day specified in subsection (2), the poll shall be held on such day, subject to subsection (2A), as the Scottish Ministers may by order specify, unless the day of the poll is determined by a proclamation under subsection (5) as modified by subsection (5ZA).]

(3) If the poll is to be held on the first Thursday in May [<sup>F7</sup>, or on the day specified by an order under subsection (2B)] , the Parliament—

- (a) is dissolved by virtue of this section at the beginning of the minimum period which ends with that day, and
- (b) shall meet within the period of seven days beginning immediately after the day of the poll.

*Status: Point in time view as at 24/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 2. (See end of Document for details)*

- (4) In subsection (3), “the minimum period” means the period determined in accordance with an order under section 12(1).
- (5) [<sup>F8</sup>Subject to subsection (2A),] if the Presiding Officer proposes a day for the holding of the poll which is not more than one month earlier, nor more than one month later, than the first Thursday in May, Her Majesty may by proclamation under the Scottish Seal—
- (a) dissolve the Parliament [<sup>F9</sup>(unless the Parliament is already dissolved)],
  - (b) require the poll at the election to be held on the day proposed, and
  - (c) require the Parliament to meet within the period of seven days beginning immediately after the day of the poll.
- [<sup>F10</sup>(5ZZA) Before proposing a day for the holding of the poll under subsection (5), the Presiding Officer must consult the Electoral Commission.]
- [<sup>F11</sup>(5ZA) Where a day is specified by order under subsection (2B), subsection (5) applies as if the reference to the first Thursday in May were a reference to that day.]
- <sup>F12</sup>(5A) .....
- <sup>F12</sup>(5B) .....
- <sup>F12</sup>(5C) .....
- (6) In this Act “the Scottish Seal” means Her Majesty’s Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland.

#### Textual Amendments

- F1** S. 2(1) repealed (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 1(1)(a)(i)**, 35; [S.S.I. 2020/278](#), [reg. 2](#), [sch.](#)
- F2** Words in s. 2(2) substituted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 1(1)(a)(ii)**, 35; [S.S.I. 2020/278](#), [reg. 2](#), [sch.](#)
- F3** S. 2(2)(a)(b) substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 5(2)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(c\)](#)
- F4** S. 2(2A)(2B) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 5(3)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(c\)](#)
- F5** Words in s. 2(2A)(a) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), **Sch. para. 11**
- F6** S. 2(2A)(b) and preceding word omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 3 para. 7** (with s. 19, [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))
- F7** Words in s. 2(3) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 5(4)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(c\)](#)
- F8** Words in s. 2(5) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 5(5)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(c\)](#)
- F9** Words in s. 2(5)(a) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 3(2)(a)**, 35; [S.S.I. 2020/278](#), [reg. 2](#), [sch.](#)
- F10** S. 2(5ZZA) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 3(2)(b)**, 35; [S.S.I. 2020/278](#), [reg. 2](#), [sch.](#)
- F11** S. 2(5ZA) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 5(6)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(c\)](#)
- F12** S. 2(5A)-(5C) omitted (18.5.2017) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 5(7)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(c\)](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Scotland Act 1998, Section 2. (See end of Document for details)*

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

- C1** S. 2(2) modified (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), **ss. 4(2), 7(2)** (with s. 6)
- C2** S. 2(2) modified (31.3.2016) by Scottish Elections (Dates) Act 2016 (asp 13), **ss. 1(2), 3** (with s. 1(1))
- C3** S. 2(3)-(5ZA) excluded (30.1.2021) by Scottish General Election (Coronavirus) Act 2021 (asp 5), **ss. 2, 15** (with s. 12)
- C4** S. 2(5) excluded (11.3.1999) by S.I. 1999/787, **arts. 1, 96**

**Status:**

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**Changes to legislation:**

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