

SCHEDULE 2

MODIFICATIONS CONSEQUENTIAL UPON THE REGISTRATION OF CITIZENS OF ACCESSION STATES AS LOCAL ELECTORS

Modification of the Scottish Parliament (Elections etc.) Order 2002

5.—(1) The Scottish Parliament (Elections etc.) Order 2002⁽¹⁾ shall be modified as follows.

(2) In article 3 (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”;

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In article 22 (effect of register), insert after paragraph (3)—

“(3A) Nothing in paragraphs (2) and (3) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union.”.

(4) In paragraph 7 of Schedule 4—

- (a) insert at the beginning of sub-paragraph (2) “Subject to sub-paragraph (3) below;”;
- (b) after sub-paragraph (2) insert—

“(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the constituency returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”.

(1) S.I.2002/2779.