STATUTORY INSTRUMENTS

# 2015 No. 1764

# CONSTITUTIONAL LAW
# DEVOLUTION, SCOTLAND

## The Scotland Act 1998 (Modification of Schedules 4 and 5) Order 2015

*Made - - - - 8th October 2015*

*Coming into force in accordance with article 1(2)*

At the Court at Buckingham Palace, the 8th day of October 2015

Present,

The Queen's Most Excellent Majesty in Council

This Order is made by Her Majesty in Council in exercise of the powers conferred upon Her by sections 30(2) and (4) of the Scotland Act 1998(**1**).

In accordance with paragraphs 1 and 2 of Schedule 7 to that Act(**2**) a draft of this Order has been—

(a) laid before and approved by a resolution of each House of Parliament; and

(b) laid before and approved by a resolution of the Scottish Parliament.

Accordingly, Her Majesty, by and with the advice of Her Privy Council, makes the following Order:

### Citation and commencement

**1.**—(1) This Order may be cited as the Scotland Act 1998 (Modification of Schedules 4 and 5) Order 2015.

(2) This Order comes into force on the day after the day on which it is made.

### Modification of Schedule 4 to the Scotland Act 1998

**2.** In Schedule 4 to the Scotland Act 1998 (enactments etc. protected from modification), in paragraph 4 (no modification of the Scotland Act 1998), after sub-paragraph (2B)(**3**) insert—

(**1**) 1998 c.46.

(**2**) Paragraphs 1 and 2 of Schedule 7 have been modified by paragraph 3(2) of schedule 4 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(**3**) Paragraph 4(2B) of Schedule 4 to the Scotland Act 1998 (c.46) was inserted by S.I. 2015/692, article 3.

"(2C) This paragraph does not apply to modifying section 2(2) in relation to the first ordinary general election for membership of the Parliament after 2016.".

**Modification of Schedule 5 to the Scotland Act 1998**

**3.**—(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section B3 (specific reservations: elections)(**4**) is amended as follows.

(2) Under the heading "Exceptions"—

(a) above the exception beginning "The reduction of the minimum voting age" insert "*Exception 1*";

(b) above the exception beginning "The registration of electors" insert "*Exception 2*";

(c) after that exception insert—

*"Exception 3*
The day of the poll at the first ordinary general election for membership of the Parliament after 2016.

That day must not be the same as the day of the poll at—

(a) a parliamentary general election, other than an early parliamentary general election,

(b) a European parliamentary general election, or

(c) an ordinary local election.

If under section 3(3) the ordinary general election that would have been the first after 2016 is not held, this exception does not apply to any later election.".

(3) At the end of the interpretation provision insert—

""Ordinary local election" has the meaning given by section 43(1C) of the Representation of the People Act 1983(**5**).".

**Consequential amendment**

**4.** In section 2 of the Scotland Act 1998 (ordinary general elections) after subsection (5) insert—

"(5A) If, under this section as modified by virtue of an Act of the Scottish Parliament, the poll at an ordinary general election would, apart from subsection (5), be held on a day other than that provided by subsection (2) as originally enacted—

(a) references in subsections (3) and (5) to the first Thursday in May are to be read as references to that other day (if it is not the first Thursday in May), and

(b) subsection (5B) applies to any day proposed under subsection (5).

(5B) The day proposed must not be the same as the day of the poll at—

(a) a parliamentary general election, other than an early parliamentary general election,

(b) a European parliamentary general election, or

(c) an ordinary local election.

(5C) In subsection (5B) "ordinary local election" has the meaning given by section 43(1C) of the Representation of the People Act 1983.".

(**4**) Exceptions provision was inserted into Section B3 by S.I. 2015/692, article 4(2).
(**5**) 1983 c.2; section 43(1C) was inserted by section 2(1) of the Scottish Local Government (Elections) Act 2002 (asp 1).