STATUTORY INSTRUMENTS

2015 No. 692

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND

The Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015

Made - - - - 19th March 2015

Coming into force in accordance with article 2

At the Court at Buckingham Palace the 19th day of March 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), 63(1) and (3), 113(3), (4) and (5) and 124(2) 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. This Order may be cited as the Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) 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

3. In Schedule 4 to the Scotland Act 1998 (enactments protected from modification by Act of the Scottish Parliament), in paragraph 4 (no modification of the Scotland Act 1998), after sub-paragraph (2) 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).

"(2A) This paragraph does not apply to any modifications of sections 11, 12, 12A and 113, and Schedule 7(**3**)—

(a) for the purpose of reducing the minimum voting age to 16 at elections to the Parliament or local government elections (or both), or in consequence of any such provision, or

(b) for the purpose of making provision about the registration of electors in order to give effect to provision reducing the minimum voting age at those elections to 16, or in consequence of any such provision about the registration of electors, including—

(i) provision for disregarding alterations in a register of electors,

(ii) provision about, or for purposes connected with, the content of a register or the effect of registration, and

(iii) provision about supplying or otherwise dealing with a register,

but not including provision about the use of the digital service for applications for registration or for verifying information contained in applications for registration.

(2B) In sub-paragraph (2A) "digital service" has the meaning given by regulation 3(1) of the Representation of the People (Scotland) Regulations 2001(**4**), as that regulation had effect on the date on which the Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015 (S.I. 2015/692) came into force.".

Modification of Schedule 5 to the Scotland Act 1998

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

(2) Before the interpretation provision insert—

"Exceptions

The reduction of the minimum voting age to 16 at elections to the Parliament and local government elections.

The registration of electors, in order to give effect to provision reducing the minimum voting age at those elections to 16, including—

(a) disregarding alterations in a register of electors,

(b) the content of a register and the effect of registration, and

(c) supplying or otherwise dealing with a register,

but not including the use of the digital service for applications for registration or for verifying information contained in applications for registration..".

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

""Digital service" has the meaning given by regulation 3(1) of the Representation of the People (Scotland) Regulations 2001, as that regulation had effect on the date on which the Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015 (S.I. 2015/692) came into force.".

(**3**) Section 12 of the Scotland Act 1998 is amended, and section 12A of that Act is inserted, by section 1 of the Scotland Act 2012 (c. 11). That section was not in force on the date this Order was laid before the Parliaments. Section 113 of and Schedule 7 to the Scotland Act 1998 are amended by section 3 of the Scotland Act 2012. That section was not in force on the date this Order was laid before the Parliaments. Other amendments have been made to sections 12 and 113 of and Schedule 7 to the Scotland Act 1998, but these are not relevant for the purposes of this Order.

(**4**) S.I. 2001/497; definition inserted by regulation 3(a) of the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206).