Draft Order laid before Parliament and the Scottish Parliament under section 115 of the Scotland Act 1998 and paragraphs 1 and 2 of Schedule 7 to that Act, for approval by resolution of each House of Parliament and of the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND

The Scotland Act 1998 (Modification of Schedule 5) Order 2013

Made - - - -

Coming into force in accordance with article 2

At the Court at Buckingham Palace, the day of

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 section 30(2) and (4) and 113(4)(a) of the Scotland Act 1998(**1**).

In accordance with section 115 of, and 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 Schedule 5) Order 2013.

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

(**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).

Modification of Schedule 5 to the Scotland Act 1998

3. In Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations), after paragraph 5 insert—

"**5A.**—(1) Paragraph 1 does not reserve a referendum on the independence of Scotland from the rest of the United Kingdom if the following requirements are met.

(2) The date of the poll at the referendum must not be the date of the poll at any other referendum held under provision made by the Parliament.

(3) The date of the poll at the referendum must be no later than 31st December 2014.

(4) There must be only one ballot paper at the referendum, and the ballot paper must give the voter a choice between only two responses.".

Supplementary provision

4.—(1) The following provisions of Part 7 of the Political Parties, Elections and Referendums Act 2000 ("the 2000 Act")(**3**) apply to an independence referendum as if it were a referendum to which that Part applies—

(a) section 127 (referendum campaign broadcasts); and

(b) paragraph 1 of Schedule 12 (right to send referendum address post free)(**4**).

(2) In those provisions as applied by this article, references, however expressed, to a person or body designated under section 108 are to be read as references to a person or body designated under an Act of the Scottish Parliament for the purposes of an independence referendum as representing those campaigning for a particular outcome in relation to the question in the referendum.

(3) The following (which apply to a referendum campaign broadcast within the meaning of section 127 of the 2000 Act) do not apply to such a broadcast within the meaning of that section as applied by this article—

(a) section 112 of the 2000 Act (notional referendum expenses);

(b) paragraph 1 of Schedule 13 to that Act (expenses qualifying where incurred for referendum expenses);

(c) paragraph 18 of Schedule 12 to the Communications Act 2003(**5**) (Welsh Authority party political broadcasts).

(4) Where paragraph 1(3) of Schedule 12 to the 2000 Act, as applied by this article, applies section 200A of the Representation of the People Act 1983(**6**) (remuneration for free postal services), the reference in that section to a sum being charged on and issued out of the Consolidated Fund is to be read as a reference to that sum being paid by the Scottish Ministers.

(5) In this article "independence referendum" means a referendum on the independence of Scotland from the rest of the United Kingdom, held in pursuance of provision made by or under an Act of the Scottish Parliament.

(**3**) 2000 c.41.
(**4**) Paragraph 1 is amended by paragraph 158 of Schedule 12 to the Postal Services Act 2011.
(**5**) 2003 c.21.
(**6**) 1983 c.2. Section 200A was inserted by paragraph 18 of Schedule 8 to the Postal Services Act 2000 (c.26) and amended by S.I. 2001/1148 and paragraph 119 of Schedule 12 to the Postal Services Act 2011 (c.5).