



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Postponement of elections: Scotland

^{x1}69 **Postponement of Scottish Parliament elections for constituency vacancies**

- (1) This section applies where under section 9 of the Scotland Act 1998 (“the 1998 Act”), an election is to be held to fill a vacant seat of a constituency member (“the election”).
- (2) The Presiding Officer may—
 - (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 9(3) of the 1998 Act), or
 - (b) where no such date has been fixed, fix a date for the poll that is outwith that period.
- (3) The Presiding Officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.
- (4) The Presiding Officer must notify the constituency returning officer for the election of the date fixed for the poll under subsection (2) in the same manner as if it had been fixed under section 9 of the 1998 Act.
- (5) The power under subsection (2)—
 - (a) may be exercised more than once,
 - (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in section 9(4) of the 1998 Act, and
 - (c) may not be exercised so as to fix a date after 6 May 2021.
- (6) Before exercising the power under subsection (2), the Presiding Officer must consult—
 - (a) the Scottish Ministers, and

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- (b) the convener of the Electoral Management Board for Scotland.
- (7) Subsection (8) applies where—
 - (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 2 to the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (“the 2015 Order”), and
 - (b) under subsection (2)(a), the Presiding Officer fixes a later date for the poll (“the new date”).
- (8) The constituency returning officer must—
 - (a) publish a notice stating that the date has changed, and
 - (b) comply with the requirements of Part 1 of Schedule 2 to the 2015 Order as if the new date had just been fixed under section 9 of the 1998 Act.
- (9) In this section “constituency returning officer” has the same meaning as in the 2015 Order.

Editorial Information

- X1** The power conferred under this provision to publish a notice may be exercised by means of a notice published in [The Gazette](#)

^{x2}70 Postponement of local authority elections in Scotland for casual vacancies

- (1) This section applies where under section 37 of the Local Government (Scotland) Act 1973 (“the 1973 Act”), an election is to be held to fill a casual vacancy in the office of councillor in a local authority (“the election”).
- (2) The returning officer may—
 - (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 37(1) of the 1973 Act), or
 - (b) where no such date has been fixed, fix a date for the poll that is outwith that period.
- (3) The returning officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.
- (4) The power under subsection (2)—
 - (a) may be exercised more than once,
 - (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in subsection (2) of section 37 of the 1973 Act, unless the holding of the election within that period is permitted under that subsection, and
 - (c) may not be exercised so as to fix a date after 6 May 2021.
- (5) Before exercising the power under subsection (2), the returning officer must consult—
 - (a) the Scottish Ministers, and
 - (b) the convener of the Electoral Management Board for Scotland.
- (6) Subsection (7) applies where—

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- (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 1 to the Scottish Local Government Elections Order 2011 (S.S.I. 2011/399) (“the 2011 Order”), and
 - (b) under subsection (2)(a), the returning officer fixes a later date for the poll (“the new date”).
- (7) The returning officer must—
- (a) publish a notice stating that the date has changed, and
 - (b) comply with the requirements of Part 1 of Schedule 1 to the 2011 Order as if the new date had just been fixed under section 37 of the 1973 Act.
- (8) In this section—
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and “area” in relation to a local authority means the local government area for which the authority is constituted;
- “returning officer”, in relation to a local authority, means an officer appointed by the local authority under section 41(1) of the Representation of the People Act 1983.

Editorial Information

- X2** The power conferred under this provision to publish a notice may be exercised by means of a notice published in [The Gazette](#)

Changes to legislation:

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