

# Scottish Elections (Representation and Reform) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 50	Schedule
Long Title	

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Before section 2A

**Graham Simpson**

**Supported by: Ross Greer**

**34** Before section 2A, insert—

*<Disqualifications: MPs, members of the House of Lords and councillors*

#### **Scottish Parliament: disqualification of MPs**

- (1) The Scottish Ministers must lay before the Scottish Parliament a draft of a Scottish statutory instrument containing regulations which—
  - (a) make provision to the effect that a person is disqualified from membership of the Scottish Parliament if that person is a member of the House of Commons, and
  - (b) make any incidental, supplementary, consequential, transitional, transitory or saving provision the Scottish Ministers consider appropriate for the purposes of, in connection with or for giving full effect to that disqualification.
- (2) Regulations under subsection (1) may, in particular—
  - (a) modify section 15(1) of the Scotland Act 1998 (disqualification from membership of the Parliament),
  - (b) modify section 16 of the Scotland Act 1998 (exceptions and relief from disqualification) so as to—
    - (i) provide under subsection (3) of that section that the Scottish Parliament may not resolve to disregard the disqualification imposed by the regulations,
    - (ii) provide for a period of exception from the disqualification for any person recently returned at an election,
    - (iii) provide for an exception from the disqualification for any person who is serving as a member of the Scottish Parliament on the day the regulations come into force, provided that any exception is limited to a period of time no longer than the period between that day and the day of the next ordinary general election under section 2 of the Scotland Act 1998,

- (c) modify section 17 of the Scotland Act 1998 (effect of disqualification) so as to make provision about—
    - (i) which proceedings of the Scottish Parliament a person may or may not participate in during any excepted period provided in accordance with subsection (2)(b)(ii), and
    - (ii) which of the person's other rights and privileges as a member of the Scottish Parliament may be withdrawn by a resolution of the Parliament,
  - (d) modify section 82 of the Scotland Act 1998 (limits on salaries of members of the Parliament),
  - (e) make different provision for different purposes.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
  - (4) After the Scottish Ministers lay the first draft Scottish statutory instrument containing regulations under subsection (1), they may lay further such instruments under that subsection.>

**Graham Simpson**

**Supported by: Ross Greer**

35 Before section 2A, insert—

**<Scottish Parliament: disqualification of members of the House of Lords**

- (1) The Scottish Ministers must lay before the Scottish Parliament a draft of a Scottish statutory instrument containing regulations which—
  - (a) make provision to the effect that a person is disqualified from membership of the Scottish Parliament if that person is a member of the House of Lords, and
  - (b) make any incidental, supplementary, consequential, transitional, transitory or saving provision the Scottish Ministers consider appropriate for the purposes of, in connection with or for giving full effect to that disqualification.
- (2) Regulations under subsection (1) may, in particular—
  - (a) modify section 15(1) of the Scotland Act 1998 (disqualification from membership of the Parliament),
  - (b) modify section 16 of the Scotland Act 1998 (exceptions and relief from disqualification) so as to—
    - (i) remove the exceptions from disqualification in subsection (1) of that section,
    - (ii) provide under subsection (3) of that section that the Scottish Parliament may not resolve to disregard the disqualification imposed by the regulations,
    - (iii) provide for a period of exception from the disqualification for any person recently returned at an election,
    - (iv) provide for periods of exception from the disqualification for any person who would otherwise be disqualified, provided that person—
      - (A) has a leave of absence from the House of Lords,
      - (B) has made an application for such leave and the application has not been withdrawn or refused, or

- (C) was on leave of absence immediately before the UK Parliament was dissolved,
- (v) provide for an exception from the disqualification for any person who is serving as a member of the Scottish Parliament on the day the regulations come into force, provided that any exception is limited to a period of time no longer than the period between that day and the day of the next ordinary general election under section 2 of the Scotland Act 1998,
- (c) modify section 17 of the Scotland Act 1998 (effect of disqualification) so as to make provision about—
  - (i) which proceedings of the Scottish Parliament a person may or may not participate in during any excepted periods provided in accordance with subsection (2)(b)(iii) or (iv), and
  - (ii) which of the person’s other rights and privileges as a member of the Scottish Parliament may be withdrawn by a resolution of the Parliament,
- (d) modify section 82 of the Scotland Act 1998 (limits on salaries of members of the Parliament),
- (e) make different provision for different purposes.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
- (4) After the Scottish Ministers lay the first draft Scottish statutory instrument containing regulations under subsection (1), they may lay further such instruments under that subsection.>

**Graham Simpson**

36 Before section 2A, insert—

**<Scottish Parliament: disqualification of councillors**

- (1) The Scottish Ministers may by regulations—
  - (a) make provision to the effect that a person is disqualified from membership of the Scottish Parliament if that person is a member of a local authority, and
  - (b) make any incidental, supplementary, consequential, transitional, transitory or saving provision the Scottish Ministers consider appropriate for the purposes of, in connection with or for giving full effect to that disqualification.
- (2) Regulations under subsection (1) may, in particular—
  - (a) modify section 15(1) of the Scotland Act 1998 (disqualification from membership of the Parliament),
  - (b) modify section 16 of the Scotland Act 1998 (exceptions and relief from disqualification) so as to—
    - (i) provide under subsection (3) of that section that the Scottish Parliament may not resolve to disregard the disqualification imposed by the regulations,
    - (ii) provide for a period of exception from the disqualification for any person recently returned at an election,
    - (iii) provide for an exception from the disqualification for any person who is serving as a member of the Scottish Parliament on the day the regulations come into force, provided that any exception is limited to a period of time no longer than

the period between that day and the day of the next ordinary general election under section 2 of the Scotland Act 1998,

- (c) modify section 17 of the Scotland Act 1998 (effect of disqualification) so as to make provision about—
    - (i) which proceedings of the Parliament a person may or may not participate in during any excepted period provided in accordance with subsection (2)(b)(ii), and
    - (ii) which of the person’s other rights and privileges as a member of the Scottish Parliament may be withdrawn by a resolution of the Parliament,
  - (d) make different provision for different purposes.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.>

### **After section 2B**

#### **Annie Wells**

3\* After section 2B, insert—

#### **<Requirement to declare prior sexual offences etc: Scottish Parliament candidates**

- (1) The Scottish Ministers must by regulations provide that nomination papers include a declaration of whether a person would have previously been disqualified under section 15(1)(bza) of the Scotland Act 1998, but is no longer subject to the relevant notification requirements or relevant sexual harm or risk order.
- (2) Declarations under subsection (1) must be made publicly available.
- (3) Regulations under this section are subject to the affirmative procedure.
- (4) In this section—

“nomination papers” means a nomination paper under the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) and includes constituency nomination papers, individual nomination papers and regional lists,

“relevant notification requirements” has the same meaning as in section 31(3C) of the Local Government (Scotland) Act 1973 (inserted by section 2B),

“relevant sexual harm or risk order” has the same meaning as in section 31(3D) of the Local Government (Scotland) Act 1973 (inserted by section 2B).>

#### **Annie Wells**

37 After section 2B, insert—

#### **<Requirement to declare prior sexual offences etc: local authority candidates**

- (1) The Scottish Ministers must by regulations provide that nomination papers include a declaration of whether a person would have previously been disqualified under section 31(1)(da) of the Local Government (Scotland) Act 1973, but is no longer subject to the relevant notification requirements or relevant sexual harm or risk order.
- (2) Declarations under subsection (1) must be made publicly available.
- (3) Regulations under this section are subject to the affirmative procedure.

(4) In this section—

“nomination papers” means a nomination paper under the Scottish Local Government Elections Order 2011 (S.S.I. 2011/399),

“relevant notification requirements” has the same meaning as in section 31(3C) of the Local Government (Scotland) Act 1973 (inserted by section 2B),

“relevant sexual harm or risk order” has the same meaning as in section 31(3D) of the Local Government (Scotland) Act 1973 (inserted by section 2B).>

### Section 3

#### Ross Greer

5 In section 3, page 4, line 30, at end insert—

<( ) Where this section applies, the court must—

(a) take the aggravation under subsection (1)(c) into account in determining the appropriate sentence, and

(b) state—

(i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.>

### After section 11

#### Ross Greer

6 After section 11, insert—

#### <Disqualification orders: aggravation

(1) The Elections Act 2022 is modified as follows.

(2) In section 30—

(a) after subsection (3) insert—

“(3A) Where the court is a Scottish court, it must—

(a) take the aggravation under subsection (1)(c) into account when determining the appropriate sentence, and

(b) state—

(i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.”,

(b) in subsection (9), after the definition of “Schedule 9 offence” insert—

““Scottish court” means a court with jurisdiction over Scottish criminal law offences.”.>

### After section 13

#### Daniel Johnson

7 After section 13, insert—

#### <PART

#### DESCRIPTION OF CANDIDATES

##### **Description of candidates in local government elections**

- (1) The Scottish Local Government Elections Order 2011 (S.S.I. 2011/399) is modified as follows.
- (2) In schedule 1, rule 4, after paragraph (8), insert—
  - “(8A) For the purposes of paragraph (7)—
    - (a) where the word “Scottish” is not used in a registered description, the description given on the nomination paper may be preceded by that word (disregarding for this purpose the word “the” where it is the first word of the registered description),
    - (b) where the description includes the names of two or more registered political parties, the description may contain the word “and” between the names of the parties.”.>

### After section 14

#### Daniel Johnson

9 After section 14, insert—

##### **<Third party expenditure: exception for joint candidates**

- (1) The Political Parties, Elections and Referendums Act 2000 is modified as follows.
- (2) In section 85 (controlled expenditure by third parties), in subsection (9), after paragraph (b), insert—
  - “(c) in an election to the Scottish Parliament, any candidates standing in the joint name of the party and one or more other registered parties.”.>

#### Daniel Johnson

8 After section 14, insert—

##### **<Recognition of third parties: joint candidates**

- (1) The Political Parties, Elections and Referendums Act 2000 is modified as follows.
- (2) In section 88 (third parties recognised for the purposes of this Part), in subsection (2), after paragraph (cd), insert—
  - “(ce) in an election to the Scottish Parliament, a registered party in relation to any candidates standing in the joint name of the party and one or more other registered parties.”.>

## After section 27

**Ross Greer**

**Supported by: Kenneth Gibson**

**10** After section 27, insert—

### <PART

#### FORM OF BALLOT PAPERS

##### **Review of order of candidates on ballot papers used at elections**

- (1) The Scottish Ministers must review the method of ordering of candidates on ballot papers—
  - (a) at local government elections, and
  - (b) at Scottish Parliament elections.
- (2) The Scottish Ministers may consult such persons as they consider appropriate when undertaking such a review.
- (3) The Scottish Ministers must, by no later than the day which is 5 years after the day of coming into force of this section—
  - (a) prepare a report on that review,
  - (b) publish the report, and
  - (c) lay the report before the Scottish Parliament.
- (4) The report must, in particular, set out an assessment of—
  - (a) whether any changes should be made to the method of ordering of candidates—
    - (i) at local government elections, or
    - (ii) at Scottish Parliament elections,
  - (b) the advantages and disadvantages of different methods of randomising ballot papers or otherwise changing the ordering of candidates on ballot papers at those elections, and
  - (c) whether the Scottish Ministers propose to make or lay before the Scottish Parliament—
    - (i) an order under section 3 of the Local Governance (Scotland) Act 2004 containing new rules on the method of ordering of candidates on ballot papers in local government elections, or
    - (ii) an order under section 12 of the Scotland Act 1998 containing new rules on the method of ordering of candidates on ballot papers in Scottish Parliament elections.>

### **Section 27A**

**Jamie Hepburn**

**11** In section 27A, page 20, line 34, after <2011> insert <(S.S.I. 2011/399)>

## Section 27B

### Jamie Hepburn

- 12 In section 27B, page 21, line 10, after <2015> insert <(S.S.I. 2015/425)>

### Jamie Hepburn

- 13 In section 27B, page 21, line 11, leave out <regulation> and insert <article>

### Jamie Hepburn

- 14 In section 27B, page 21, line 15, leave out <regulation> and insert <article>

### Jamie Hepburn

- 15 In section 27B, page 21, line 20, leave out <regulation> and insert <article>

### Jamie Hepburn

- 16 In section 27B, page 21, line 24, leave out <regulation> and insert <article>

## Section 28

### Ross Greer

- 17 In section 28, page 23, line 7, at end insert—

<( ) after subsection (2), insert—

“(2A) An order under subsection (1) is subject to the affirmative procedure if the proposed scheme implemented by the order—

- (a) includes provision regarding the method used to cast votes which differs from the Acts or other enactments mentioned in subsection (2), and
- (b) the differing provision sets out a method of specifying a voter’s preference from among the candidates to be councillor by electronic means (including using stand-alone machines, as well as the internet and other forms of electronic communication).”>

## Section 45

### Ross Greer

- 18 In section 45, page 38, line 15, leave out <normally scheduled election> and insert <ordinary local election (within the meaning of section 43(1C) of the Representation of the People Act 1983)>

### Ross Greer

- 19 In section 45, page 38, line 16, leave out from <, in> to end of line 17 and insert <—

( ) in subsection (2A)(a), for “31 December 2028” substitute “31 October 2030”, and

( ) after subsection (3), insert—



- “(4) Boundaries Scotland may not submit a report in accordance with subsection (2A)(b) or make a proposal to the Scottish Ministers following a review under subsection (3) during any period of 18 months immediately preceding the date of each ordinary local election (within the meaning of section 43(1C) of the Representation of the People Act 1983) held after 6 May 2032.”.>

#### **After section 45**

##### **Ross Greer**

- 20 After section 45, insert—

##### **<Boundaries Scotland: reports on Parliament boundaries before a general election**

- (1) Schedule 1 of the Scotland Act 1998 is modified as follows.

- (2) After paragraph 3(7), insert—

“(7A) Boundaries Scotland may not submit to the Scottish Ministers—

(a) a report mentioned in sub-paragraph (5), or

(b) a report under sub-paragraph (6),

during the period of 18 months immediately preceding the date of the next ordinary general election for membership of the Parliament.”.>

#### **Section 47**

##### **Jamie Hepburn**

- 21 In section 47, page 42, line 19, leave out <a draft of the strategic plan and> and insert <the strategic plan to>

##### **Jamie Hepburn**

- 22 In section 47, page 42, line 31, leave out <draft >

##### **Jamie Hepburn**

- 23 In section 47, page 44, line 7, leave out <or 26 of the 1983 Act> and insert <, 26 or 35 of the 1983 Act and includes a person discharging the duties of such an officer in accordance with section 28 of that Act>

##### **Jamie Hepburn**

- 24 In section 47, page 45, line 6, at end insert—

<(3A) The convener holds office on such terms and conditions as the Parliamentary corporation may determine.>

##### **Jamie Hepburn**

- 25 In section 47, page 45, line 7, at end insert—

<(4A) The other members hold office on such terms and conditions as the convener, with the approval of the Parliamentary corporation, may determine.>

**Jamie Hepburn**

26 In section 47, page 45, line 40, at end insert—

<(2A) A period of appointment under sub-paragraph (1) or (2) must be approved by the Parliamentary corporation.>

**Jamie Hepburn**

27 In section 47, page 47, leave out lines 22 to 25 and insert—

*<Remuneration and pensions, etc. of convener and other Board members*

6 (1) The Parliamentary corporation may—

- (a) pay to the convener such remuneration, allowances and expenses as the Parliamentary corporation may determine,
- (b) pay, or make arrangements for the payment of, such pensions, allowances and gratuities to, or in respect of, any individual who holds or has held the office of the convener as the Parliamentary corporation may determine.

(2) The Board may, with the approval of the Parliamentary corporation—

- (a) pay its members (other than the convener) such remuneration, allowances and expenses as the Board may determine,
- (b) pay, or make arrangements for the payment of, such pensions, allowances and gratuities to, or in respect of any individual who holds or has held the office of a member of the Board (other than the office of convener) as the Board may determine.

(3) The arrangements mentioned in sub-paragraph (1) and (2) may include—

- (a) making payments towards the provision of those pensions, allowances and gratuities,
- (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.

(4) The reference in sub-paragraph (3) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.>

**Jamie Hepburn**

28 In section 47, page 47, line 28, after <conditions> insert <(including any payments of remuneration, pensions, allowances and expenses)>

**Jamie Hepburn**

29 In section 47, page 48, line 2, at end insert—

*<Advisers and other services*

8A(1) The Board may obtain advice, assistance or any other service from any person who, in the opinion of the Board, is qualified to give it.

(2) The Board may pay to that person such fees and allowances as the Board determines.

(3) Any payment under sub-paragraph (2) is subject to the approval of the Parliamentary corporation.>

**Jamie Hepburn**

**30** In section 47, page 48, line 12, at end insert—

*<Sharing of premises, staff, services and other resources*

9A The Board must comply with any direction given by the Parliamentary corporation as to the sharing of premises, staff, services or other resources with any other public body or any officeholder.>

**Jamie Hepburn**

**31** In section 47, page 48, leave out line 28

**Jamie Hepburn**

**32** In section 47, page 48, line 31, leave out <(1)(b)> and insert <(1)>

**Jamie Hepburn**

**33** In section 47, page 48, leave out lines 35 and 36



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