Briefing for the Public Petitions Committee

**Petition Number:** PE01666  
**Main Petitioner:** Ian Davidson  
**Subject:** Scottish Parliament electoral cycle

Calls on the Parliament to urge the Scottish Government to prepare legislation revoking the terms of the Scottish Elections (Dates) Act 2016 asp 13.

**Background**

Under various pieces of legislation, the future election timetable is:

- Scottish Parliament General Election: 6 May 2021
- Scottish Local Government Elections: 5 May 2022
- UK Parliament General Election: 5 May 2022

The Scotland Act 1998 established a fixed term session for the Scottish Parliament of four years.

In 1999, 2003 and 2007, Scottish Parliament elections were held on the same day as the Scottish local government elections. However, in 2007, following a number of problems with the combined Parliament/local government elections, including a high number of rejected ballot papers and voter confusion with different electoral systems, an independent review was ordered.

In 2009, following a recommendation of the review, the Scottish Parliament passed the Scottish Local Government (Elections) Act 2009, which decoupled the Scottish Parliament and local government elections.

The 2012 Scottish council elections were the first which did not coincide with elections to the Scottish Parliament since 1999. The 2009 Act also stated that the next local elections would take place in 2017 and every fourth year after that.

**Fixed Term Parliaments Act**

The coalition UK Government's Fixed-term Parliaments Act 2011 had a major impact on the timing of parliamentary elections in the UK. It removed the
prerogative power of the Queen, on the advice of the Prime Minister, to
dissolve Parliament and trigger a general election. The 2011 Act set the date
of the next UK general election as 7 May 2015 and provided that, thereafter,
UK general elections would be scheduled to take place on the first Thursday
in May in every fifth year. The election following the 2015 one was thus
scheduled to take place on 7 May 2020.

The Fixed Term Parliaments Act 2011 also provided that the next Scottish
Parliament general election would be held on 5 May 2016, thus avoiding the
UK Parliament elections on 7 May 2015 and making Session 4 of the Scottish
Parliament into a five year session. However, as the provisions in the
Scotland Act 1998 setting out a four year term were not amended, the
following Scottish Parliament elections would take place in May 2020, again
coinciding with a UK General election. In order to avoid this, under temporary
powers assigned by a Section 30 Order made under the 1998 Act and
approved by both Westminster and the Scottish Parliament, the Scottish
Government introduced the Scottish Elections (Dates) Bill.

The Scottish Elections (Dates) Act 2016 (asp 13), which received Royal
Assent on 30 March 2016, provided for a change to the date of the Scottish
Parliament general election that would otherwise be held on 7 May 2020 to 6
May 2021, again extending a Scottish Parliament session (Session 5) to five
years.

The Act also extended the next local government term to five years by
providing for a change to the date of the Scottish local government elections
from 6 May 2021 to 5 May 2022, so that they did not coincide with the new
date of the Scottish Parliament general election.

As a result of the snap UK General Election held on 8 June 2017, the next UK
General Election is now scheduled to take place on 5 May 2022, coinciding
with the date of the Scottish local elections.

However, in its 2017 General Election manifesto, the Conservative Party
stated its intention to repeal the Fixed-term Parliaments Act. But, if the Act is
not repealed, then the next UK General elections will be held on 5 May 2022.

**Scottish Government**

With the coming into force of Sections 3 to 5 of the Scotland Act 2016, the
Scottish Government has powers over the dates of both Scottish local
government and now Scottish Parliament elections.

The Scottish Government can use secondary legislation to change the date of
local authority elections, but has no plans at present to do so. It can make
such a change at the latest in the February prior to a planned election. In the
present case, that would be February 2021.

With the devolution of the powers over Scottish Parliament elections the
Scottish Government is planning a consultation, before the end of 2017, on
various aspects of electoral law, which may include discussion of the length of a Scottish Parliament session.

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12 July 2017

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