

# Scottish Elections (Reduction of Voting Age) 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 19

Long Title

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

### After section 1

**Alison McInnes**

5 After section 1, insert—

*<16 and 17 year old offenders in prison etc.*

**Scottish elections: power to make provision in connection with 16 and 17 year old offenders in prison etc.**

- (1) In section 3 of the 1983 Act (disfranchisement of offenders in prison etc.), after subsection (1) insert—
  - “(1A) In Scotland, subsection (1) does not apply to persons aged 16 or 17.”
- (2) The amendment made by subsection (1) has effect for the purposes mentioned in paragraphs (a) to (c) of section 1(2).
- (3) The Scottish Ministers may by regulations make provision about the circumstances in which a convicted person aged 16 or 17 who is detained in a penal institution or secure accommodation in pursuance of the sentence imposed on the person is or is not to be legally incapable of voting in an election of a type mentioned in paragraphs (a) to (c) of section 1(2).
- (4) A convicted person who is unlawfully at large at a time when the person would otherwise be detained as mentioned in subsection (3) is to be treated for the purposes of that subsection as being so detained at that time.
- (5) Regulations under subsection (3) may—
  - (a) make incidental, supplemental, consequential, transitional, transitory or saving provision.
  - (b) modify any enactment.
- (6) Before making regulations under subsection (3), the Scottish Ministers must consult such persons as they consider appropriate.
- (7) Regulations under subsection (3) are subject to the affirmative procedure.
- (8) In this section—

“convicted person” means a person found guilty of an offence (whether under the law of any part of the United Kingdom or anywhere else) but does not include a person dealt with by committal or other summary process for contempt of court,

“penal institution” means an institution to which the Prison Act 1952, the Prison Act (Northern Ireland) 1953 or the Prisons (Scotland) Act 1989 applies.

“secure accommodation” means accommodation provided in a residential establishment, approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010, for the purpose of restricting the liberty of children.>

## **Section 15**

### **John Swinney**

- 1** In section 15, page 12, line 7, leave out <children who are looked after by the authority> and insert <relevant young people>

### **John Swinney**

- 2** In section 15, page 12, line 9, leave out <children> and insert <young people>

### **John Swinney**

- 3** In section 15, page 12, line 10, leave out <children> and insert <young people>

### **John Swinney**

- 4** In section 15, page 12, line 12, leave out subsection (2) and insert—
  - <( ) In subsection (1), “relevant young people”, in relation to a local authority, means—
    - (a) children who are looked after by the authority, within the meaning of section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children),
    - (b) persons to whom the authority is providing continuing care under section 26A of that Act (provision of continuing care: looked after children), and
    - (c) persons to whom the authority is providing advice, guidance or assistance under section 29(1) or (5A) of that Act (after-care).>

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