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Graham Simpson
Convener
Delegated Powers and Law Reform Committee
The Scottish Parliament
Edinburgh
EH99 1SP

1 August 2019

Dear Graham

I write concerning the Shetland Islands Scottish Parliamentary By-Election scheduled to take place on 29 August 2019. The matter in hand is the need to allow some prisoners to vote at this by-election.

It has been necessary for the Scottish Ministers to make a remedial Order in relation to prisoner voting at this by-election, to comply with Article 3 of Protocol 1 of the European Convention on Human Rights (ECHR). This Article provides that signatory states (of the Council of Europe): “undertake to hold free elections.” Unless the Order is made, the by-election would be proceeding in breach of human rights and could be challenged. Please find a copy of the Order attached.

In 2005 the European Court of Human Rights (“ECtHR”) found in *Hirst v United Kingdom (No 2)*¹ that the UK blanket ban on prisoner voting was in breach of Article 3 of Protocol 1.

The franchise for Scottish Parliament elections was devolved by the Scotland Act 2016. Elections to the Scottish Parliament fall within the scope of Article 3 of Protocol 1. Accordingly, the Scottish Government and Scottish Parliament are required to ensure that the franchise for such elections, including by-elections, is compatible with Article 3 of Protocol 1.

The Scottish Elections (Franchise and Representation) Bill was introduced to the Scottish Parliament on 20 June 2019. It seeks to ensure that the franchise for Scottish Parliament elections, including by-elections, is compatible with Article 3 of Protocol 1. If approved by Parliament, this legislation will be in place for the 2021 Scottish Parliament Election.

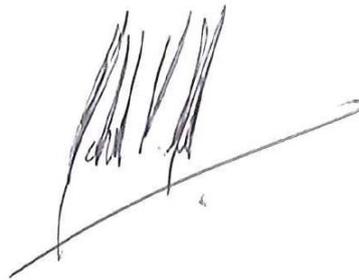
¹ <http://www.bailii.org/eu/cases/ECHR/2005/681.html>

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Since this Bill is not yet an Act, it was necessary to make a remedial Order. Under the terms of the Order, anyone serving a sentence of 12 months or less (consistent with the approach in the Bill) who can satisfy the Electoral Registration Officer that they would be ordinarily resident in the Shetland Islands if it was not for the fact of their imprisonment will be able to vote in the by-election. The deadline for being added to the electoral register in relation to this by-election is midnight on Tuesday 13 August 2019. Once registered, prisoners will vote by post. There will be no right to vote in person or by proxy. The number of eligible prisoners is likely to be small.

The Order will be made on 1 August and laid in the Scottish Parliament on the same day. It comes into force on 2 August. The remedial Order only applies to the Shetland Islands Constituency Scottish Parliamentary by-election scheduled to take place on 29 August. The long-term position will be determined by Parliament as part of its scrutiny of the Bill.

If you have any questions about the Order, please contact: Iain Hockenhill, Bill Team Leader, Elections Team by telephone on 0131 244 9448 or by email Iain.Hockenhill@gov.scot



MICHAEL RUSSELL

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The Scottish Parliament, Edinburgh EH99 1SP
www.gov.scot



Accredited
Until 2020



Order made by the Scottish Ministers, laid before the Scottish Parliament under section 14(2)(b) of the Convention Rights (Compliance) (Scotland) Act 2001 for approval by resolution of the Scottish Parliament within 120 days beginning with the date on which the Order was made, not taking into account periods of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2019 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People Act 1983 Remedial (Scotland)
Order 2019

<i>Made</i>	- - - -	2019
<i>Laid before the Scottish Parliament</i>		2019
<i>Coming into force in accordance with article 1</i>		

The Scottish Ministers make the following remedial Order in exercise of the powers conferred by section 12(1) and (3) of the Convention Rights (Compliance) (Scotland) Act 2001(a) (“the 2001 Act”) and all other powers enabling them to do so.

The Scottish Ministers consider the provision made by this Order to be necessary or expedient in consequence of section 3 of the Representation of the People Act 1983(b) being incompatible with a Convention right(c).

In accordance with section 12(2) of the 2001 Act the Scottish Ministers are of the opinion that there are compelling reasons for making a remedial order as distinct from taking any other action.

In accordance with section 14(1) of the 2001 Act it appears to the Scottish Ministers that, for reasons of urgency, it is necessary to make a remedial order without following the procedure under section 13(2) to (4) of the 2001 Act.

Citation and commencement

1. This Order may be cited as the Representation of the People Act 1983 Remedial (Scotland) Order 2019 and comes into force on the day after the day on which it is made.

(a) 2001 asp 7.

(b) 1983 c.2. Legislative competence for eligibility to vote in Scottish Parliament elections has been devolved to the Scottish Parliament by virtue of section 3 of the Scotland Act 2016 (c.11).

(c) The term “Convention rights” has the meaning given by section 1 of the Human Rights Act 1998 (c.42). In the case of *Hirst v United Kingdom (No. 2)*, Application no. 74025/01, 6 October 2005, the European Court of Human Rights concluded there had been a violation of Article 3 of Protocol 1 to the Convention by the United Kingdom in so far as section 3 of the 1983 Act imposes a blanket restriction on all convicted prisoners in prison.

Application of this Order

2.—(1) This Order applies to the election to be held under section 9 of the Scotland Act 1998(a) (constituency vacancies) on 29 August 2019 for a constituency member of the Scottish Parliament to serve for the Shetland Islands constituency.

(2) That election is referred to in this Order as the “Shetland Islands by-election”.

Interpretation

3. In this Order—

“the 1983 Act” means the Representation of the People Act 1983,

“the 2015 Order” means the Scottish Parliament (Elections etc.) Order 2015(b),

“constituency member” has the meaning given in section 126(1) of the Scotland Act 1998,

“convicted person” has the meaning given in section 3(2)(a) of the 1983 Act(c),

“dwelling” has the meaning given in section 202(1) of the 1983 Act(d),

“elector” has the meaning given in section 202(1) of the 1983 Act(e),

“penal institution” has the meaning given in section 3(2)(b) of the 1983 Act,

“register of local government electors” has the meaning given in paragraph 10 of schedule 7 of the 1983 Act,

“registration officer” means an officer appointed under section 8(3) of the 1983 Act(f),

“relevant date” has the meaning given in section 4(6) of the 1983 Act(g),

“Shetland Islands constituency” means the constituency listed in paragraph 1(2)(b) of schedule 1 of the Scotland Act 1998.

Voting at the Shetland Islands by-election

Voting by convicted persons sentenced to terms of 12 months or less

4.—(1) A convicted person is not legally incapable of voting at the Shetland Islands by-election by virtue of section 3(1) of the 1983 Act(h) (disenfranchisement of offenders in prison etc.) during the time that the person is detained in a penal institution in pursuance of a sentence imposed for a term not exceeding 12 months.

(2) In calculating the term of a sentence of a convicted person for the purpose of paragraph (1), terms that are consecutive or concurrent to any extent are to be treated as a single term if the sentences were imposed on that person—

(a) on the same occasion, or

(b) on different occasions but the convicted person was not released (other than on temporary release) at any time during the period beginning with the first occasion and ending with the last.

(3) So far as necessary for the purposes of voting at the Shetland Islands by-election (including registering to vote at that election), a convicted person to whom paragraph (1) of this article applies is to be treated as not being legally incapable of voting at local government elections in Scotland by virtue of section 3(1) of the 1983 Act(i) (entitlement).

(a) 1998 c.46.

(b) S.S.I. 2015/425.

(c) As relevantly amended by paragraph 95 of schedule 16 of the Armed Forces Act 2006 (c.52).

(d) As relevantly amended by paragraph 22(1) of schedule 1 of the Representation of the People Act 2000 (c.2) (“the 2000 Act”).

(e) As relevantly amended by paragraph 13(3) of schedule 1 of the Electoral Administration Act 2006 (c.22).

(f) As relevantly amended by paragraph 130(2) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c.39).

(g) As relevantly amended by section 1(2) of the 2000 Act.

(h) As relevantly amended by paragraph 1 of schedule 4 of the Representation of the People Act 1985 (c.50).

(i) As relevantly amended by section 1(2) of the Representation of the People Act 2000 (“the 2000 Act”).

Registration

Residence of convicted persons in prison etc.: uninterrupted residence

5.—(1) This article applies to a convicted person to whom article 4(1) applies.

(2) In determining whether the convicted person is resident in a dwelling on the relevant date for the purpose of section 4(3)(a) of the 1983 Act(a) (entitlement to be registered in the register of parliamentary and local government electors: residence requirement), the convicted person's residence is not to be taken to have been interrupted by reason of the convicted person's detention in a penal institution if—

- (a) the convicted person—
 - (i) intends to resume actual residence when released from the penal institution (other than on temporary release), and
 - (ii) will not be prevented from doing so by an order of any court, or
- (b) the dwelling serves as a permanent place of residence (whether for the convicted person alone or with other persons) and the convicted person would be in actual residence there but for the convicted person's detention.

Residence of convicted persons in prison etc.: notional residence

6.—(1) Section 5(6) of the 1983 Act(b) (residence of persons detained in legal custody) is subject to section 7B of that Act(c) (notional residence: declarations of local connection) in so far as it relates to a declaration made for the purposes only of the registration of local government electors in Scotland.

(2) Section 7B of the 1983 Act, so far as relating to the registration of local government electors in Scotland, also applies to a person who, on the date on which the person makes a declaration under subsection (1) of that section—

- (a) is a convicted person to whom article 4(1) applies, and
- (b) would not be entitled to be registered by virtue of residence at any place other than the penal institution in which the convicted person is detained.

(3) In the case of a convicted person falling within paragraph (2), the “required address” for the purpose of section 7B of the 1983 Act is—

- (a) the address in the Shetland Islands constituency where the convicted person would be residing but for the person's detention, or
- (b) if the convicted person cannot give an address under sub-paragraph (a), an address in the Shetland Islands constituency at which the convicted person has previously been resident.

(4) Despite anything in section 7B(7) of the 1983 Act, a declaration of local connection made by virtue of paragraph (2) of this article has effect only for the purposes of the person's registration as a local government elector for the purpose of the Shetland Islands by-election.

(5) A declaration of local connection made by virtue of paragraph (2) of this article must be marked to show that it is available only for the purpose of registration as a local government elector for the purpose of the Shetland Islands by-election but otherwise it is to be the same as other declarations of local connection.

(6) Section 7C(2) of the 1983 Act(d) (effect of declaration of local connection) does not apply in relation to a convicted person to whom article 4(1) applies who is registered in the register of local

(a) As relevantly amended by section 1(2) of the 2000 Act.

(b) As relevantly amended by section 1(2) of the 2000 Act.

(c) Added by section 6 of the 2000 Act and relevantly amended by section 8 of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7).

(d) Added by section 6 of the Representation of the People Act 2000 and relevantly amended by section 12(3) of the Electoral Administration Act 2006 and paragraph 4 of schedule 4 of the Electoral Registration and Administration Act 2013 (c.6).

government electors in pursuance of a declaration of local connection made by virtue paragraph (2) of this article (but see article 7).

Duration of registration

7.—(1) A convicted person to whom article 4(1) applies who is registered in the register of local government electors by virtue of this Order is entitled to remain so registered only for so long as necessary for the purposes of voting as an elector at the Shetland Islands by-election.

(2) Where the entitlement of such a person to remain so registered terminates by virtue of paragraph (1), the registration officer concerned must remove the person's entry from the register, unless the person is entitled to remain registered otherwise than by virtue of this Order.

Method of voting

Method of voting by convicted persons

8.—(1) In relation to the Shetland Islands by-election, nothing in article 7(1) to (5) of the 2015 Order (manner of voting) applies to a convicted person to whom article 4(1) applies.

(2) Such a person may only vote as an elector at the Shetland Islands by-election by post (where the person is entitled as an elector to vote by post at the election).

(3) A person is not capable of voting as proxy at the Shetland Islands by-election if, on the date of the election, the person is a convicted person to whom article 4(1) applies.

St Andrew's House,
Edinburgh

2019

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order removes the restriction on certain convicted persons detained in a penal institution from voting at the Shetland Islands by-election on 29 August 2019.

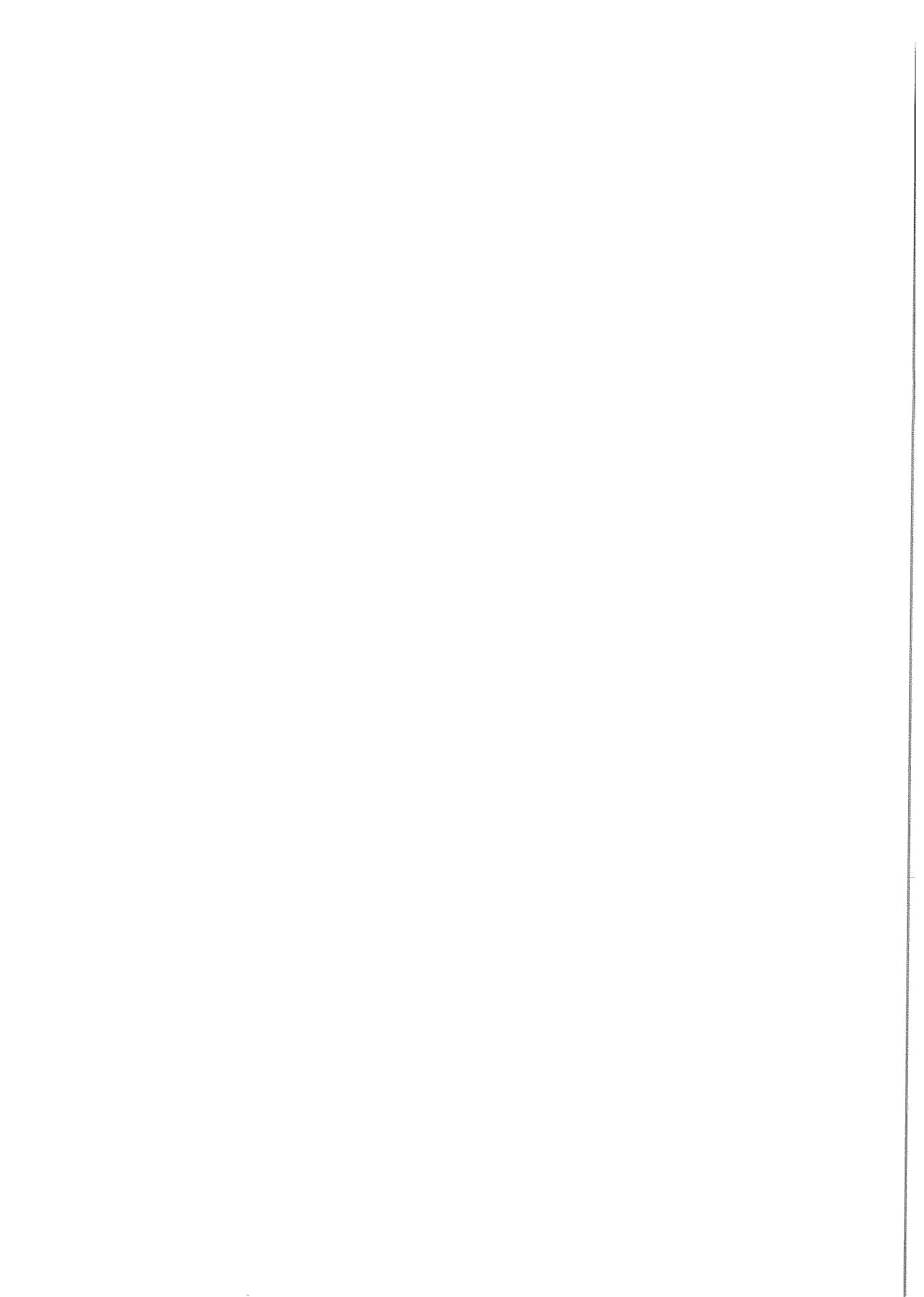
Section 3(1) of the Representation of the People Act 1983 (“the 1983 Act”) provides that a convicted person detained in a penal institution is legally incapable of voting at any parliamentary or local government election. In *Hirst v United Kingdom (No. 2)*, Application no. 74025/01, 6 October 2005, the European Court of Human Rights concluded that the incapacity of convicted prisoners to vote in the United Kingdom, provided in section 3 of the 1983 Act is incompatible with Article 3 of Protocol 1 to the European Convention on Human Rights (“the Convention”).

The Scotland Act 2016 amended schedule 5 of the Scotland Act 1998 (which sets out the reserved matters) in relation to elections. Competence for the conduct of local government and Scottish Parliament elections, including the franchise at such elections (subject to some reservations set out in the amended Section B3 of Part 2 of that schedule 5) was devolved to the Scottish Parliament on 18 May 2017. As a result of the Scottish Parliament having competence over the franchise in Scottish Parliament and Scottish local government elections, the Parliament, and the Scottish Government, are required to ensure that the exercise of that franchise is compatible with the Convention.

The Scottish Elections (Franchise and Representation) Bill was introduced on 20 June 2019. Section 4 of the Bill provides that convicted persons in penal institutions sentenced to a term not exceeding 12 months will be eligible to register to vote as a local government elector in Scotland. Section 11 of the Scotland Act 1998 provides that those entitled to vote in Scottish Parliament elections are those who are entitled to vote, and registered, as local government electors. Therefore, the changes made to the local government franchise by the Bill will also affect Scottish Parliament elections.

The resignation of the constituency MSP for the Shetland Islands has triggered a by-election that will take place on 29 August 2019. To comply with Article 3 of Protocol 1 to the Convention, article 4 of this Order provides that a convicted person detained in a penal institution sentenced to a term not exceeding 12 months will be eligible to vote at the Shetland Islands by-election.

Article 5 and 6 make provision regarding where a convicted person is treated as residing. Article 8 provides that a convicted person is only entitled to vote at the Shetlands by-election by post. Article 7 provides that a convicted person who is registered to vote by virtue of this Order is only entitled to remain registered as long as is necessary for the purposes of voting as an elector at the Shetland Islands by-election.



POLICY NOTE

REPRESENTATION OF THE PEOPLE ACT 1983 REMEDIAL (SCOTLAND) ORDER 2019

SSI 2019/XXX

1. The above Order was made in exercise of the powers conferred by section 12(1) and (3) of the Convention Rights (Compliance) (Scotland) Act 2001 (the “2001 Act”)¹.

Purpose of the instrument.

This Order allows prisoners serving a sentence of 12 months or less to vote in the Shetland Islands Scottish Parliamentary by-election to be held on 29 August 2019. This Order only applies to that by-election.

Remedial Order

2. Section 12 of the 2001 Act allows Scottish Ministers to make a remedial order where necessary or expedient to ensure compatibility with the European Convention on Human Rights (the “ECHR”).

3. This Order is subject to the urgent procedure set out in section 14 of the 2001 Act, which allows an Order made under section 12 to come into force as soon as it is made (or at another time as specified). This procedure involves the public notice of the contents of the Order and the inviting of comments in writing to be made within 60 days (ignoring Parliamentary recess days) of the Order being made. It also requires to be laid, together with a statement of reasons for making it, before the Scottish Parliament. The Order does not require a vote in the Scottish Parliament.

4. Scottish Ministers are of the opinion that there are compelling reasons (as set out below) to require the making of this Order.

Policy Objectives

5. The Order will remove the bar on prisoners serving sentences of 12 months or less from voting in the Shetlands Islands by-election to be held on 29 August 2019 (the “by-election”), providing that they can establish eligibility to vote in the by-election. It achieves this through provisions that are closely modelled on the relevant sections of the Scottish Elections (Franchise and Representation) Bill (“the Bill”)², which is currently before the Scottish Parliament.

6. Registration will be achieved by satisfying the Electoral Registration Officer appointed by Shetland Islands Council that the prisoner has a sufficient local connection to the Shetland constituency, such as ordinarily being resident within the constituency (were it not for their

¹ <http://www.legislation.gov.uk/asp/2001/7/contents>

² <https://www.parliament.scot/parliamentarybusiness/Bills/112098.aspx>

incarceration). Once registered, eligible prisoners will be able to exercise their right to vote by post. Although proxy voting by eligible prisoners is envisaged by the Bill, voting by proxy will not be possible under the Order and will not be available at the by-election. This is because the relevant changes required to secondary legislation to effect proxy voting for prisoners have yet to be worked through.

7. The Government is engaging with the Scottish Prison Service and Electoral Registration Officers on how best to ensure that eligible prisoners are made aware of their entitlement to register and vote ahead of the registration deadline for the by-election of midnight on Tuesday 13 August 2019³.

8. The Order only applies to the Shetland Islands by-election: this is intended to balance the obligation under the ECHR with the wish to ensure that Parliament can determine the long-term changes required to the franchise.

Prisoner voting - background

9. There has been a longstanding⁴ prohibition on convicted prisoners voting in all elections in the UK while they are detained in a penal institution. The Representation of the People Act 1983⁵ (“RoPA”) established the current legal basis for the ban. Section 3 of RoPA sets out that any convicted person is “legally incapable” of voting at any election while detained in pursuance of their sentence or while unlawfully at large when required to be so detained. This ban applies irrespective of the length of the sentence and applies to all UK elections, including Scottish Parliament and local government elections.

10. Prisoners who are held on remand (e.g. persons who await trial or who have not been sentenced) are able to vote, casting their ballots by postal and proxy voting. Those who have been released from prison on parole or home detention curfew are also eligible to vote, since they are no longer “detained”.

11. In 2005 the European Court of Human Rights (“ECtHR”) found in *Hirst v United Kingdom (No 2)*⁶ that the UK blanket ban on prisoner voting was in breach of Article 3 of Protocol 1 (right to free elections) of the ECHR. This Article provides that signatory states: “undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.” This has been interpreted by the courts to give individuals the right to vote and to stand for election.

12. Elections to the Scottish Parliament fall within the scope of Article 3 of Protocol 1 (though local government elections do not). Since the franchise used of Scottish Parliament elections was devolved by the Scotland Act 2016, the Scottish Government and Scottish

³ The timetable for the by-election is set out at: <https://www.shetland.gov.uk/elections/current-upcoming-elections.asp>

⁴ Historical background on prisoner voting is summarised in this House of Commons Standard Note: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01764#fullreport>

A further paper sets out developments since 2015:

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7461>

⁵ <http://www.legislation.gov.uk/ukpga/1983/2>

⁶ <http://www.bailii.org/eu/cases/ECHR/2005/681.html>

Parliament are required to ensure that the franchise for such elections, including by-elections, is compatible with Article 3 of Protocol 1.

The Scottish Elections (Franchise and Representation) Bill

13. The Bill was introduced on 20 June 2019. One of its aims is to ensure that the franchise in Scottish Parliament elections is compatible with Article 3 of Protocol 1 in relation to prisoner voting.

14. The Policy Memorandum⁷ for the Bill set out the Scottish Government's position that it is neither appropriate, nor necessary to ensure compliance with the ECHR, to enfranchise all prisoners, but that the correct balance is to be found in extending voting rights to those prisoners serving shorter sentences. The Memorandum also provides further background on the issue of prisoner voting.

15. The Bill, as introduced, would enfranchise prisoners who are serving a sentence of 12 months or less, in Scottish Parliament and local government elections. The Bill sets out arrangements for postal voting by prisoners, but the detail of arrangements for proxy voting by prisoners has yet to be developed. Prisoners will not be able to vote in person.

16. The Bill will not be in force at the time of the by-election. As a result, Scottish Ministers consider that this Order is required in order to ensure compliance with Article 3 of Protocol 1 in the context of the by-election.

17. The Scottish Parliament's Standards, Procedures and Public Appointments Committee issued its call for evidence⁸ in relation to the Bill on Monday 1 July 2019. The deadline for responses is 6 September 2019.

Consultation

18. Since the changes to legislative competence in relation to the electoral franchise made by the Scotland Act 2016 came into force, Scottish Ministers have been considering the best approach to ensure that the franchise for Scottish Parliament elections will be exercised in a manner compatible with the ECHR.

19. As part of its work programme, the Scottish Parliament's Equalities and Human Rights Committee took evidence over 2017-18 on the current UK legal position on prisoner voting, the practical issues around voting in prisons and the arguments for and against allowing prisoners to vote.

20. Having taken evidence from a wide range of stakeholders and interested parties, the Committee published a report on Prisoner Voting in Scotland⁹ on 14 May 2018. The Committee concluded (at para. 144) that "*there is a strong argument that Scotland should aim*

⁷[https://www.parliament.scot/S5_Bills/Scottish%20Elections%20\(Franchise%20and%20Representation\)%20\(Scotland\)%20Bill/SPBill51PMS052019.pdf](https://www.parliament.scot/S5_Bills/Scottish%20Elections%20(Franchise%20and%20Representation)%20(Scotland)%20Bill/SPBill51PMS052019.pdf)

⁸ <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112304.aspx>

⁹<https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2018/5/14/Prisoner-Voting-in-Scotland#Introduction>

for a higher standard than recently established at UK level and should therefore legislate to remove the ban on prisoner voting in its entirety.”

21. In making that recommendation, the Committee also recommended that the Scottish Government should consider a wide range of views on this issue going forward, and should consult as many stakeholders as possible, including groups representing the interests of victims of crime and the general public.

22. In response to this latter recommendation, the Scottish Government held a public consultation which concluded on 8 March 2019. The consultation paper rehearsed the legal background, actions taken by other UK administrations and provided information on prisoner voting arrangements in other Council of Europe member states. The consultation paper made clear that Scottish Ministers consider that the blanket ban on prisoner voting is not fit for purpose as it is not compatible with human rights law as it applies to Scottish Parliament elections. The consultation paper noted that there was a difference in application of Article 3 of Protocol 1 of the ECHR which only applies to elections to a “legislature.” In the devolved Scottish context, therefore, the Article applies only to Scottish Parliament elections; local government elections fall outside its scope.

23. Responses were sought on the favoured proposal to link voting rights to length of sentence: specifically, to prisoners serving six or 12 month sentences. The consultation paper also sought views on the practicalities of prisoner voting.

24. The paper also explained (at pages 8 and 9) the steps taken to date by the UK Government in response to the ECtHR caselaw.

25. Responses were received from 35 organisations and 230 individuals. The responses were independently analysed and a report published online¹⁰. Respondents to the consultation were split fairly evenly across three main positions. Around 3 in 10 thought that prisoners’ right to vote should be linked to the length of their sentence (Option 1). Of the remaining respondents, those who went on to comment generally preferred one of two approaches: allowing no prisoners to vote (around 1 in 3 of all respondents); or extending the franchise to all prisoners (around 3 in 10 of all respondents). Of those respondents that engaged with the question about an appropriate threshold, around 20% favoured a threshold of 6 months or less, one third of respondents favoured a threshold of 12 months or less, and almost half favoured ‘another duration’.

26. A full list of those consulted and who agreed to being identified is attached to the consultation report published on the Scottish Government website. It includes the Electoral Commission, the Electoral Management Board for Scotland and the Scottish Human Rights Commission.

27. Under section 14(2) of the 2001 Act, persons wishing to make observations on this Order can do so, in writing, within the period of 60 days beginning with the day on which it was made. As the Order was made on 1 August, and days when the Scottish Parliament is in recess are not taken into account, the period for written representations will end on 16 November 2019. Representations should be submitted to ElectionsTeam@gov.scot.

¹⁰ at <https://www.gov.scot/publications/consultation-prisoner-voting-analysis-responses/>

Impact Assessments

28. Impact assessments have been undertaken in respect of the Bill and are published on the Scottish Government website¹¹. The same potential impacts and issues arise in relation to the enfranchisement of certain prisoners at the by-election.

Financial Effects

29. The Financial Memorandum¹² for the Bill makes clear the financial implications of enabling voting by some prisoners. It explains that the cost of delivering elections, e.g. for postage and printing of electoral materials are (on average) around £3 per voter, so the additional costs would be minimal in respect of the Shetland Islands by-election. Shetland is a small constituency in population terms (18,696 people of voting age according to 2011 Census data). The number of prisoners with a sufficient connection to Shetland, who are serving sentences of up to a year, will vary from time to time, but is unlikely to be more than about 5 persons.

30. There will be a one-off need to publicise the ability of enfranchised prisoners, who are eligible to register and vote in the Shetland Islands Scottish Parliamentary by-election, within all Scottish prisons but all costs will be met from existing resources.

Scottish Government
Directorate for Constitution and Cabinet

August 2019

¹¹ <https://www.gov.scot/publications/scottish-elections-franchise-representation-bill-eqia/>
<https://www.gov.scot/publications/scottish-elections-franchise-representation-bill-bria/>
<https://www.gov.scot/publications/scottish-elections-franchise-representation-bill-crwia/>

¹²

[https://www.parliament.scot/S5_Bills/Scottish%20Elections%20\(Franchise%20and%20Representation\)%20\(Scotland\)%20Bill/SPBill51FMS052019.pdf](https://www.parliament.scot/S5_Bills/Scottish%20Elections%20(Franchise%20and%20Representation)%20(Scotland)%20Bill/SPBill51FMS052019.pdf)