

Supreme Court issues decision on Scottish prisoners' voting rights



The UK Supreme Court has confirmed its earlier stance that prisoners should not have the right to vote, despite the European Court of Human Rights having declared that preventing prisoners from voting is illegal.

The decision of the UK Supreme Court in the case of Moohan and another v Lord Advocate was delivered in July but reasons were given only on 17 December 2014, and confirmed the majority 5 to 2 decision.

The case was raised in 2013 by Scottish prisoners who wanted to have the right to vote in the Scottish Referendum, but an application for judicial review in December last year at the Court of Session was refused. Despite the constitutional significance of the referendum the UK Supreme Court was not swayed either and decided the Scottish Independence Referendum (Franchise) Act of 2013 was lawful in disallowing prisoners from the franchise. The court's decision stated that when the European legislation was drafted it did not have referenda in mind, but allowed that it might cover general elections held at 'regular intervals'.

Lord Hodge, who was until recently a judge at the Court of Session in Edinburgh, delivered the court's reasons behind the decision that convicted prisoners should not have such a right to vote in the 2014 referendum which you can see below.

Image courtesy of UKSC.