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Stuart McMillan MSP
Convener
Delegated Powers and Law Reform Committee
EDINBURGH EH99 1SP

By e-mail only: DPLR.Committee@parliament.scot

5 November 2025

Dear Stuart,

Draft Code of Practice: The Non-Party Campaigner Campaign Expenditure (Scottish Parliament Elections) Code of Practice 2025

I write in relation to the above Code of Practice, which was laid in draft before the Scottish Parliament on 16 September 2025 under section 100BA(4) of the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”).

I appreciate that concerns have been raised about the statutory consultation that the Electoral Commission was required to undertake with the Parliament on its draft Code and that discussion between the Parliament and the Commission on a revised Code of Practice is now underway.

As a result and to facilitate the process of producing a revised Code, I intend to withdraw the Code laid on 16 September from Parliament.

I also intend to make and lay before Parliament a new SSI in relation to a replacement version of the Code of Practice next week. The new SSI will revoke the previous Code of Practice SSI,¹ and set the date on which the revised Code will, subject to the Parliamentary process, come into force.

¹ [The Political Parties, Elections and Referendums Act 2000 \(Non-Party Campaigner Code of Practice\) \(Appointed Date\) \(Scotland\) Order 2025](#)

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In doing so I propose to breach statutory instrument laying conventions, which require that an instrument of this kind be laid in Parliament 14 days before coming into force. I consider that this necessary in this case as the instrument should revoke the previous Code of Practice SSI before it comes into force, which would have otherwise been due to occur on 17 November. It is preferable to revoke the previous SSI before it comes into force because the version of the Code to which it refers will be out of date, so leaving the SSI to come into force may cause confusion.

The new code once laid will sit before Parliament for 40 days and my proposed timescale for the revised Code and replacement SSI will mean that the revised code will, if Parliament is content, be in force in time for the start of the regulated campaign spending period for the 2026 election on 7 January.

I hope that this information is helpful. I am writing in similar terms to the Standards, Procedures and Public Appointments Committee.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Graeme Deay', with a stylized, flowing script.

GRAEME DEY

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