

# Legislative Consent Memorandum

## Representation of the People Bill

### Background

1. This memorandum has been lodged by Shona Robison MSP, Cabinet Secretary for Finance and Local Government, and is supported by Graeme Dey MSP, Minister for Parliamentary Business and Veterans, in accordance with Rule 9B.3.1(a) of the Parliament's Standing Orders.

2. The Representation of the People Bill was introduced by the UK Government in the House of Commons on 12 February 2026. The Bill is available on the UK Parliament website via this link: <https://bills.parliament.uk/bills/4080>.

### Content of the Bill

3. The Bill covers a wide range of topics and, whilst the Bill's territorial extent and application are complex, the Bill generally extends across the UK. The Explanatory Notes accompanying the Bill set out the UK Government's view of its purpose, which includes the following statement<sup>1</sup>:

"1. This Bill amends existing electoral law and makes new electoral law provisions which aim to ensure that UK elections remain secure and protected against interference.

2. The Bill will allow the Government to meet its commitments to improve voter registration, address the inconsistencies in voter ID rules that prevent legitimate voters from voting, give 16- and 17-year-olds the right to vote in all elections, and to protect democracy by strengthening the rules around donations to political parties. The Bill also aims to deliver on several recommendations from the 2024 strategic review of electoral registration as outlined in the Government's report, [Restoring Trust in our Democracy: our strategy for modern and secure elections](#)."

4. The Bill is in 7 Parts and 11 Schedules:

- Part 1 will lower the voting age for UK Parliament and other reserved elections to 16. This includes provisions for pre-registration from age 14, mechanisms to enable identity verification of young people, and safeguards to protect their data;
- Part 2 relates to electoral registration, including improving voter registration. This includes powers to test new approaches, including direct

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<sup>1</sup> [Representation of the People Bill - Explanatory Notes](#)

registration i.e. registration without the citizen having to make an application, with changes expected after testing has taken place. Part 2 also contains measures around modernising the Northern Ireland canvass, extending the length of the period for which a person can be registered anonymously, and removing the presumption that citizens will be added to the open register unless they opt out. Instead, they will not be added unless they actively opt in;

- Part 3 relates to the conduct of elections and contains measures to improve the electoral process. This includes provision on registration application deadlines in relation to an election and the responsibilities of Electoral Registration Officers (“EROs”). Part 3 also expands the list of acceptable voter ID for use by electors or their proxies voting in person at UK Parliamentary elections to include bank cards issued by UK authorised card issuers which show the voter’s name;
- Part 4 contains measures on political party finance. This includes risk-based due diligence guidance for political parties, restricting company donations to companies that have adequate connection to the UK or Ireland (for donations to Northern Ireland parties), and the introduction of stronger requirements for unincorporated associations. Part 4 also amends digital campaigning rules, including by applying digital imprint rules to organic material promoted by third party campaigners who are not recognised and are not individuals, and disapplying ministerial and parliamentary approval procedures for minor corrective changes to digital imprint guidance;
- Part 5 extends the role and powers of the Electoral Commission to give the Commission responsibility for enforcing candidate, local third party and recall petition campaigner offences, as well as all imprint offences. It also: makes provision to re-classify criminal offences in the Political Parties, Elections and Referendums Act 2000 (“PPERA”) that relate to administrative requirements so that they are punishable only through civil sanctions imposed by the Commission, allowing the police to focus on serious breaches; provides the Commission with explicit powers to share information with other regulators and enforcement bodies; and makes amendments supplementary to proposals to increase the Commission’s maximum fine;
- Part 6 comprises measures to address harassment and intimidation experienced by candidates during election campaigns. It will extend the remit of the existing disqualification order to apply to offenders of intimidatory offences against electoral staff (as well as candidates and campaigners). It also gives courts the power to treat hostility towards candidates, campaigners, electoral staff etc. as an aggravating factor for any offences linked to intimidation in an electoral context. It also ensures candidates’ home addresses are not published as far as possible, reducing the gap relating to those candidates who act as their own election agent;
- Part 7 sets out general provisions, including power to make consequential provision, financial provision, territorial extent, and commencement.

## Provisions which require the consent of the Scottish Parliament

5. The Bill is a relevant Bill within Rule 9B.1.1 of Standing Orders as it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament. There are also provisions which alter the executive competence of the Scottish Ministers.

6. The interaction between electoral law and the devolution settlement in Scotland is complex. Generally speaking, matters related to UK parliamentary elections are reserved, while electoral law in relation to Scottish Parliament and local government elections is devolved to the Scottish Parliament, subject to reservations set out in Reservation B3 of schedule 5 of the Scotland Act 1998.

7. The full devolution analysis required of the Bill is still ongoing, given the complexity of electoral law and the devolution settlement. Whilst further detailed analysis and engagement with the UK Government is required, the Scottish Government agrees with the UK Government that certain measures in the Bill will engage the legislative consent process, including certain provisions in Parts 2 to 5 of the Bill. In addition, the power in Part 7 of the Bill to make consequential provision will require legislative consent to the extent that it relates to devolved matters.

8. The Scottish Government, in agreement with the UK Government, considers that certain measures within the Bill engage the legislative consent process to the extent that they apply to elections within the devolved responsibility of the Scottish Parliament (i.e. Scottish Parliament and Scottish local government elections) and so apply to Scotland for a purpose within the legislative competence of the Parliament. The Bill also contains provision that would alter the executive competence of the Scottish Ministers. Whilst analysis is ongoing, the Scottish Government's assessment is that the following provisions trigger the need for legislative consent as they apply for a devolved purpose or, in relation to regulation-making powers, alter the executive competence of the Scottish Ministers.

### Part 2 – Registration of Voters

9. Clause 30 confers a new power on the Scottish Ministers regarding declarations of local connection for registration in the register of local government electors in Scotland. The power is created by amending the Representation of the People Act 1983 (“the 1983 Act”) and enables regulations to provide that a declaration of local connection will cease to have effect when an individual's circumstances change such that the declaration no longer applies to them. This may occur either because the individual is no longer entitled to make any declaration of local connection, or because their circumstances have changed and they would now need to make such a declaration on a different basis.

10. Where a registration officer removes a person with a declaration of local connection from the register, due to another entry (of any type) being made for that person in any register of electors, a new requirement inserted by clause 30 requires

the registration officer to inform the person that they have been removed from the register as soon as reasonably practicable. A similar requirement is placed on registration officers where a person with a service declaration is being removed from the register of electors. Technical provision is also made to clarify that the new power, and all regulation-making powers under the 1983 Act, carry with them the power to make incidental, supplemental, and saving provision.

11. Clause 32 makes provision on anonymous registration regarding Scottish Parliament and Scottish local government elections. Currently, a period of anonymous registration can last for up to one year and the elector must make a further application prior to the end of that period if they wish to remain registered anonymously. While the Scottish Government's view accords with the UK Government's that this engages the legislative consent process, further consideration is necessary on the policy aims of the proposal. The UK Government argues that this requirement places a disproportionate burden on both applicants and administrators. It proposes to increase the length for which a period of anonymous registration can last from one year to three years. While the Scottish Government notes the UK Government's argument in favour of consistency across all types of election, it will consider this change further, not least as the adoption of such a change for Scottish Parliament and local government elections has not been the subject of consultation.

12. Clause 33 of the Bill provides for a clearly defined registration deadline for elections across the UK. This sets an explicit registration deadline before any election in Great Britain, after which any applications received will not be added to the electoral register until after that election. A power is also introduced to enable the Scottish Ministers to change the registration application deadline for Scottish parliamentary and local government elections following consultation with the Electoral Commission. The Scottish Government is supportive of ways in which to assist the registration of voters and will consider the registration provisions carefully.

13. Clause 36 amends an existing power of the Scottish Ministers and introduces a new regulation-making power in relation to the disclosure of information and the inspection of records in relation to the registration officer's functions and duties.

14. Clause 37 makes provision in relation to the 'open' register of electors. Changes will be made to the way electors consent to being on the open register. The open register lists the names and addresses of everyone registered to vote. It is updated and published every month and can be sold to any person, organisation, or company for a wide range of purposes. For both the UK Parliament register and the local government register, there is a presumption that citizens will be added to the open register unless they opt out. The provision changes the presumption for both registers so that voters will not be added to the open register unless they actively opt in. It does so by making changes to an existing power. The UK Government considers it necessary to apply this change to the Scottish local government register. The Scottish Government notes the argument that an open register for UK parliamentary elections that only includes those who opt in, but an open register for local elections that excludes those who have opted out, would be confusing. The

Scottish Government also notes that the Welsh Senedd [legislated in 2024](#) to cease use of an open register. It will consider this matter further.

## Part 3 – Conduct of Elections etc.

15. Clause 48 introduces Schedule 3, which makes provision relating to absent voting. Schedule 3 makes technical changes to provide clarity and certainty to electoral administrators, including in relation to the cancellation of postal votes; enabling postal votes to be issued within the objections period; and the calculation of the “maximum permitted period” that a postal voting arrangement for UK parliamentary and local government elections can remain in place. Schedule 3 also creates regulation-making powers in relation to absent voting which are exercisable by the “appropriate national authority” which is the Scottish Ministers in relation to local government elections in Scotland.

16. The Scottish and Welsh governments are currently seeking to arrange access for voters in Scotland and Wales to the UK Government’s Online Absent Voting Application (OAVA). This is with the intention to allow voters to apply for an absent vote for all elections online. Legislation laid in the Scottish Parliament in January 2026 seeks to set the date for joining the OAVA system as 3 November 2026<sup>2</sup>. This – together with the reservation in schedule 5 of the Scotland Act 1998 in relation to “Any digital service provided by a Minister of the Crown for the registration of electors” – means that the Scottish Government will give careful consideration to the Bill’s provisions on absent voting prior to reaching a final position on whether to recommend legislative consent. This will occur in discussion with electoral stakeholders.

## Part 4 – Campaigns and Political Expenditure

17. Clause 54 seeks to remove the requirement for an election agent’s address to be published in the Notice of Election. The Bill restates and amends existing provision made by the Scottish Elections (Representation and Reform) Act 2025 (“the 2025 Act”) in relation to Scottish Parliament and Scottish local government elections (in particular by restricting any correspondence address provided to be a UK address).

18. Clause 55 introduces Schedule 6 which makes provision for the Electoral Commission, rather than the courts, to give permission for campaigners to pay late and disputed claims in respect of certain expenses. The provision will amend procedures relating to leave to pay for political parties, third parties and permitted participants, as well as candidates at local government elections in Scotland.

19. Clause 56 introduces Schedule 7 which provides for amendments to the process for the delivery of certain returns which are required under a number of statutes, so that they are also delivered to the Electoral Commission.

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<sup>2</sup> [The Absent Voting \(Miscellaneous Amendment\) \(Scotland\) Order 2026](#) and [The Absent Voting \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026](#)

20. The Scottish Government's consideration of the remaining provisions in Part 4 of the Bill is ongoing, but it agrees with the UK Government that consent will be required for these provisions in part.

21. The UK Government has indicated that the Bill's provisions on political finance seek to address the risks of foreign interference in elections and to strengthen the rules around political donations. The UK Government is also seeking to strengthen obligations on those who receive donations through an enhanced "Know Your Donor" framework. For donations over £11,180, recipients will have to carry out a risk assessment to judge the likelihood of foreign or illicit sources of funding and decide whether to accept or return the donation (clause 58). The UK Government considers that this will engage the legislative consent process.

22. The Bill also seeks to align transparency rules for unincorporated associations making or receiving donations with those for political parties and campaigners (clause 62). Where illicit funds do enter the system via impermissible donors (e.g. individuals not on the electoral register), they will be subject to full forfeiture, providing a clear deterrent and supporting compliance by political parties and campaigners (clause 61). The UK Government considers the changes relating to forfeiture will apply to all parts of the political finance regime, and this clarification relating to forfeiture engages the legislative consent process.

23. Clause 59 aims to prevent under-16s from making donations to political parties and to enhance the protection of registration data for 14- and 15-year-old attainers (persons registering ahead of coming of voting age). The UK Government considers this to engage the legislative consent process.

24. Clause 63 makes provision in relation to 'Digital Imprints' which require political campaigners to explicitly show who they are and on behalf of whom they are promoting digital campaigning material. Clause 63 amends the digital imprint provisions in the Election Act 2022 ("the 2022 Act") to require any person who is an unrecognised third-party campaigner, with the exception of individuals, to include a digital imprint on electronic material in scope of the UK-wide regime. The UK Government is effectively adopting the additional digital imprint requirement already created for Scottish Parliament and local government elections by the 2025 Act, which required unregistered third-party organisations to provide an imprint on campaign material. As a result, the Bill seeks to repeal Part 8 of the 2025 Act, which contained these additional digital imprint requirements, as these will now form part of the UK-wide regime.

25. Clause 63 makes provision for a devolved purpose in so far as the new requirements in the 2022 Act relate to devolved elections. Part 8 of the 2025 Act also included powers enabling the Scottish Ministers to make regulations to amend certain sections of the Act, including changing the information required on a digital imprint and modifying other aspects of the regime. These regulation-making powers will be lost because of the repeal of Part 8 of the 2025 Act. The UK Government does not consider that legislative consent is required for clause 63. However, it is the Scottish Government's position that clause 63 makes provision for a devolved purpose, so far as it relates to devolved elections, and repeal of the regulation-

making powers in Part 8 of the 2025 Act alters the executive competence of the Scottish Ministers, triggering the need for legislative consent.

## Part 5 - Enforcement and the Electoral Commission

26. The Scottish Government's consideration of Part 5 of the Bill is ongoing, but it agrees with the UK Government that consent will be required for these provisions in part. The UK Government indicates that the Bill seeks to expand the Electoral Commission's investigatory and civil sanctioning powers to ensure enforcement provides a clear deterrent against breaking the law whilst remaining proportionate. It will extend the Commission's enforcement remit to candidate, local third party and recall petition campaigner political finance offences and all print imprint offences. The extension of the Commission's investigatory and civil sanctioning powers to candidates and local third parties to local government elections in Scotland will engage the legislative consent process.

27. Whilst the paragraphs above set out the Scottish Government's positions on specific clauses in the Bill, the need for legislative consent in relation to other clauses remains under consideration and discussion between the Scottish Government and the UK Government, and an update will be provided in a supplementary legislative consent memorandum (LCM) in due course.

## Reasons for not making a recommendation on legislative consent

28. The policy and legal analysis required of the Bill is still ongoing, given the complexity of electoral law and the devolution settlement. In addition, the need to consult with the UK Government on its policy aims, as well as interested stakeholders, means that the Scottish Government is not yet able to provide a policy view or recommendation on consent to the various provisions of the Bill.

29. The Scottish Government is also conscious of the close proximity of the 7 May 2026 Scottish Parliament election, which will see the Scottish Parliament move to pre-election recess on 26 March. It is highly likely that the Bill will be amended in the period in which the Parliament is not sitting and full consideration of legislative consent for the Bill will be for the new Scottish Parliament. That consideration can be assisted by a further LCM providing a complete analysis following engagement with stakeholders and further consideration of the Bill.

## Consultation

30. UK Government officials consulted Scottish Government officials in preparing the Bill and shared draft provisions on most of the Bill's content. Following the Bill's introduction, the Scottish Government intends to discuss the Bill with electoral stakeholders such as the Association of Electoral Administrators, the Electoral Commission, the Electoral Management Board for Scotland, and the Scottish Assessors Association. The Scottish Parliamentary Corporate Body and Crown

Office and Procurator Fiscal Service may also have an interest in relation to the changes to the Electoral Commission's powers and the reclassification of electoral offences.

## Financial implications

31. Financial implications in Scotland will primarily be a matter for the UK Government in relation to changes to UK Parliament elections, especially on votes at 16 and voter registration. It is expected that the UK Government will meet any such costs as part of the 'new burdens' regime. Changes which also interact with devolved electoral law, such as those relating to campaign finance and the Electoral Commission, will be assessed further in consultation with electoral stakeholders, prior to the Scottish Government's final position on legislative consent being communicated.

## Other relevant considerations

32. It is anticipated that amendments to the Bill will be proposed during the Bill's passage and that a future LCM on the Bill will need to consider any changes.

## Post EU scrutiny

33. This legislation is not relevant to the Scottish Government's policy to maintain alignment with the EU because the Bill is confined to UK electoral law. There is no anticipated interaction with EU law.

## Conclusion

34. The Scottish Government is giving careful consideration to the Bill. Analysis is ongoing but the Scottish Government agrees with the UK Government that certain measures in the Bill will engage the legislative consent process, including the provisions in Parts 2 to 5 of the Bill as outlined above. In addition, the Scottish Government considers that clauses 63 and 75 of the Bill trigger the need for legislative consent.

35. It is the view of the Scottish Government that it is preferable that, to the extent that the relevant provisions make provision for a devolved purpose, or alter the Scottish Ministers' executive competence, an LCM is lodged without any recommendation on consent at this stage. The policy and legal analysis required of the Bill is still ongoing, given the complexity of electoral law and the devolution settlement. The Scottish Government also wishes to consult further with interested stakeholders and the UK Government prior to providing a full assessment and recommendation on legislative consent to the Parliament.

## Motion on legislative consent

36. For the reasons noted above, the Scottish Government does not intend to lodge a motion on legislative consent in relation to the Bill prior to the 7 May 2026 Scottish Parliament election.

Scottish Government  
February 2026

This Legislative Consent Memorandum relates to the Representation of the People Bill (UK Parliament legislation) and was lodged with the Scottish Parliament on 27 February 2026

# Representation of the People Bill – Legislative Consent Memorandum

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