

This Supplementary Legislative Consent Memorandum relates to the Representation of the People Bill (UK Parliament legislation) and was lodged with the Scottish Parliament on 24 June 2026

Supplementary Legislative Consent Memorandum

Representation of the People Bill

Background

1. This supplementary memorandum has been lodged by Jenny Gilruth MSP, Deputy First Minister and Cabinet Secretary for Finance and Local Government and is supported by Jamie Hepburn MSP, Minister for Parliamentary Business and Veterans in accordance with Rule 9B.3.1(c) of the Parliament's standing orders. It should be read in conjunction with the Scottish Government's previous memorandum on the Bill (LCM-S6-74), available at this link: [Representation of the People Bill | Scottish Parliament Website](#)

2. The Representation of the People Bill ("the Bill") was introduced by the UK Government in the House of Commons on 12 February 2026 and re-introduced on 14 May 2026. The Bill as originally introduced and as re-introduced is available on the UK Parliament website via this link: [Representation of the People Bill - Parliamentary Bills - UK Parliament](#).

3. The Scottish Government's initial Legislative Consent Memorandum on the Bill as originally introduced ("the first LCM") did not provide a recommendation on consent. The assessment set out in the first LCM is unchanged, with the exception of the additional commentary in this supplementary memorandum in relation to relevant amendments made prior to the Bill's re-introduction. The Scottish Government's position on recommending consent in relation to the relevant provisions of the Bill will be set out in a subsequent supplementary legislative consent memorandum.

4. This supplementary memorandum provides an assessment of the relevant amendments tabled by the UK Government on 13 March¹ and 10 April² and subsequently agreed at Committee stage in the House of Commons (prior to re-introduction). It describes the substantive changes to Part 4 of the Bill on the regulation of campaign finance which trigger the requirement for legislative consent. The UK Government has written to the Scottish Ministers to explain its opinion that only certain amendments within Part 4 of the Bill on campaigns and political expenditure require the consent of the Scottish Parliament (see discussion of clauses 58 and 63 below).

¹ https://publications.parliament.uk/pa/bills/cbill/59-01/0384/amend/representation_people_rm_pbc_0313.pdf

² https://publications.parliament.uk/pa/bills/cbill/59-01/0384/amend/representation_people_rm_pbc_0410.pdf

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Content of the Bill

5. 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 statement³:

“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](#).”

6. 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 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 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

³ [Representation of the People Bill - Explanatory Notes](#)

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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 as amended which require the consent of the Scottish Parliament

7. As noted in the first LCM, 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 and, in some instances, alters the executive competence of the Scottish Ministers. This is also the case for some of the amendments agreed at Committee stage.

8. 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 generally devolved to the Scottish Parliament, subject to reservation B3 of schedule 5 of the Scotland Act 1998.

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9. The Scottish Government agrees with the UK Government that the amended clause 58 and new clause 63 of the Bill will require legislative consent as they make provision for a purpose within the Scottish's Parliament's legislative competence 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 alter the executive competence of the Scottish Ministers.

10. The UK Government considers that clause 62 (including Schedule 9), both as originally introduced and as amended are for reserved purposes and do not engage the legislative consent process. However, the Scottish Government considers that these provisions require legislative consent as they make provision for a purpose within the Scottish Parliament's legislative competence to the extent that they apply to devolved referendums and local government elections in Scotland.

Part 4 – Campaigns and political expenditure

Political donations – as amended prior to re-introduction

11. 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, any donation not risk assessed within 30 days must be returned (clause 58). The UK Government's view, with which the Scottish Government agree, is that these provisions in the Bill would engage the legislative consent process as they make provision for a purpose within the legislative competence of the Scottish Parliament in that they apply to donations to Scottish local government election campaigns, and to donations to both Scottish councillors and MSPs for political purposes other than election campaigning. They also create new powers for connected purposes, which alter the executive competence of the Scottish Ministers.

12. Since introduction, the UK Government has made amendments to Part 4 of the Bill. On 14 May 2026, the UK Government's Parliamentary Under-Secretary of State for Building Safety, Fire, and Democracy set out in a letter to the Scottish Government where in the view of the UK Government amendments made to the Bill at Committee stage engaged the legislative consent process. This identified clause 58 on risk assessments for donations to registered parties and clause 63 on the power of the Scottish Ministers to vary certain sums in Schedule 7 of PPERA.

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Clause 58 - risk assessments

13. The amendment⁴ to clause 58 of the Bill qualifies a regulation making power which allows the Secretary of State to amend the risk assessment factors for donations and regulated transactions (the statutory criteria campaigners must use to assess the risk that a donation or regulated transaction (e.g. loan) originates from an impermissible source). The amendment provides that regulations amending the risk assessment factors only apply for devolved matters if the Secretary of State obtains the consent of Scottish Ministers before making them.

14. Clause 58 of the Bill includes a power for the Electoral Commission to issue statutory Know Your Donor guidance. This guidance will set out how campaigners must interpret and apply the Know Your Donor risk assessment factors. This draft guidance is subject to approval by the Secretary of State before it can come into force. To ensure consistency across the UK, the UK Government wishes this guidance to be prepared on a UK-wide basis across all elements of the regime (including where this is devolved). The amendments provide that consultation is required with devolved governments before the Secretary of State can approve the draft guidance. The Bill does not provide for consultation or other process in the devolved legislatures and the Scottish Government is considering if that would be desirable. The UK Government considers this to engage the requirement for legislative consent and the Scottish Government agrees.

15. The Scottish Government agrees that the amendments to clause 58 would require the consent of the Scottish Parliament as the amendments make provision for a purpose within the legislative competence of the Scottish Parliament as they apply to donations at local government election campaigns and to donations to both Scottish councillors and MSPs for political purposes other than election campaigning. The Scottish Government considers that consent is also required because the amendments would apply to any PPERA-regulated referendum held in Scotland on a devolved matter, such provision would be for a purpose within the legislative competence of the Scottish Parliament. While the Scottish Government welcomes moves to improve the law in this area, consent to these provisions remains an issue of active consideration and a recommendation on consent will be provided in due course once analysis and discussion is complete. This is expected to be before the end of the summer recess.

Clause 62 – unincorporated associations

16. Clause 62 of the Bill introduces Schedule 9 and summarises the provisions in that schedule. Schedule 9, both as originally introduced and as amended prior to re-introduction, makes provision regarding unincorporated associations (“UAs”) making political contributions. Schedule 9 amends Schedule 19A of PPERA which concerns notification and reporting requirements on UAs with regard to political contributions

⁴ See amendments Gov 48, Gov 62 and Gov 70 at: https://publications.parliament.uk/pa/bills/cbill/59-01/0384/amend/representation_people_rm_pbc_0410.pdf

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made, and gifts received, by them. The amendments made by Schedule 9 at introduction included:

- reduction of the threshold at which UAs must notify the Electoral Commission of political contributions made by them from £37,270 to £11,180 and of gifts received by them from £11,180 to £2,230;
- expansion of the definition of political contribution to include donations at additional types of elections including a donation to a permitted participant in a Scottish referendum (within the meaning of Part 5 of Schedule 3 of the Referendums (Scotland) Act 2020);
- new provision requiring UAs to appoint a responsible person in relation to the association and notify the Electoral Commission of this; and
- new provisions prohibiting UAs from using gifts over £500 from impermissible donors to make political contributions and introducing an associated offence.

17. The amendments⁵ agreed at Committee stage make a number of changes to Schedule 9 of the Bill, some of which are technical or clarificatory in nature. They also adjust clause 62 to reflect the changes made to Schedule 9. The main changes to Schedule 9 include:

- creation of a new criminal offence where a person knowingly provides a UA with false information, or withholds information with intent to deceive, about a gift that they believe the association may use for the purposes of making a political contribution;
- preventing UAs from being permissible donors in relation to other UAs; and
- amendments to provisions on responsible persons for UAs to make it clear that an association is not required to appoint a responsible person when it already has one in place, but that the Electoral Commission must be notified that the responsible person is willing to continue to act.

18. The Scottish Government considers that the amendments to Schedule 9 require the consent of the Scottish Parliament as they make provision for a purpose within the Scottish's Parliament's legislative competence to the extent that they apply to devolved referendums and local government elections in Scotland. Engagement with the UK Government is ongoing, given the differing views on whether these provisions trigger the legislative consent requirement. The Scottish Government is still considering its position on consent in relation to these provisions and so no recommendation is provided at this time.

⁵ https://publications.parliament.uk/pa/bills/cbill/59-01/0384/amend/representation_people_rm_pbc_0410.pdf amendments Gov 79 - 87

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Clause 63 – Know Your Donor

19. Clause 63 of the Bill inserted by amendment⁶ at Committee Stage seeks to grant the Scottish Ministers power to vary the sums in Schedule 7 (control of donations to individuals and member associations) of PPERA so the Scottish Ministers can vary the threshold at which Know Your Donor risk assessments become mandatory in relation to a donation to a member of a local authority in Scotland who is not also a member of a registered party.

20. The Scottish Government agrees that legislative consent is required for this provision as it creates a power with a purpose within the Scottish's Parliament's legislative competence, namely the regulation of local government election finance for candidates not a member of a registered party and alters the executive competence of the Scottish Ministers by granting them a power to vary the sums in Schedule 7 of PPERA. The Scottish Government is considering its position on consent in the wider context of assessing Part 4 of the Bill and in discussion with the UK Government.

Reasons for not making a recommendation on legislative consent

21. While the Scottish Government agrees that the Bill will require legislative consent, a full assessment remains under consideration and discussion between the Scottish Government and the UK Government. This includes the possibility of further relevant amendments, with the UK Government having announced planned amendments expected in July which are likely to require an assessment of legislative consent⁷. An update will be provided by supplementary LCM in due course and the Scottish Government intends to provide the Scottish Parliament with its position on consent in relation to the Bill's relevant provisions during the Scottish Parliament summer recess.

Consultation

22. As indicated in the first LCM, Scottish Government officials are undertaking discussions with UK Government officials and electoral stakeholders such as the Association of Electoral Administrators, the Electoral Commission, the Electoral Management Board for Scotland, and the Scottish Assessors Association. This process is expected to complete before the end of the summer recess.

⁶ https://publications.parliament.uk/pa/bills/cbill/59-01/0384/amend/representation_people_rm_pbc_0410.pdf - see Gov NC60

⁷ See the statement by the Secretary of State for Housing, Communities and Local Government On 25 March 2026: [Foreign Financial Influence and Interference: UK Poli - Hansard - UK Parliament](#)

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Financial implications

23. No significant financial implications for the Scottish administration are expected as a result of the relevant amendments made to the Bill and discussed above. Change to elections in Scotland is primarily a matter for the UK Government in relation to changes to UK Parliament elections. Changes which also interact with devolved electoral law, such as those on campaign finance and the Electoral Commission are being assessed in consultation with electoral stakeholders, prior to the Scottish Government's final recommendation on legislative consent being communicated. This is expected during the Scottish Parliament summer recess although it is anticipated that further relevant amendments are possible in the autumn.

Other relevant considerations

24. As noted above it is anticipated that further amendments to the Bill will be proposed during the Bill's passage and that a further supplementary legislative consent memorandum on the Bill will be required in respect of any future amendments, in addition to providing a recommendation on legislative consent in relation to the Bill.

Post EU scrutiny

25. The amendments to the Bill discussed in this Memorandum are 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

26. The Scottish Government is giving careful consideration to the Bill – including the relevant amendments detailed above – and wishes to consult further with interested stakeholders and the UK Government prior to providing a recommendation on legislative consent to the Parliament.

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