

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 memorandums on the Bill, LCM-S6-74, available at [Representation of the People Bill \(session 6\)](#), LCM-S7-7, available at [Representation of the People Bill | Scottish Parliament Website](#) and LCM-S7-7a, available at [Supplementary Legislative Consent Memorandum](#).

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: <https://bills.parliament.uk/bills/4080>. On 7 July the UK Government tabled amendments¹ for consideration at Commons Report Stage, which was due to commence on 14 July, but was deferred until 2 September².

3. The Scottish Government provided an initial Legislative Consent Memorandum on the Bill as originally introduced in February ("the first LCM") and a Supplementary Legislative Consent Memorandum in June ("the second LCM"), but did not set out any recommendations on consent until the Second Supplementary Legislative Consent Memorandum laid in August ("the third LCM").

4. The third LCM provided an assessment on legislative consent in respect of the Bill as re-introduced and the relevant amendments lodged in July. It provided a recommendation on consent in relation to relevant provisions in Parts 2 and 3 of the Bill.

5. In tabling new amendments on 28 August³ the UK Government has written to the Scottish Ministers to explain its view that certain of those amendments require

¹ [rop_rm_rep_0707.pdf](#)

² The Hansard in respect of the 2 September proceedings is available here: [Representation of the People Bill - Hansard - UK Parliament](#)

³ [rop_rm_rep_0828.pdf](#)

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the consent of the Scottish Parliament. The Bill as amended and brought from the Commons has been published⁴.

6. This fourth LCM is confined to the relevant amendments tabled in August⁵. It should therefore be read in conjunction with the third LCM, which updated the assessment set out in both the first and second LCM with positions on consent, provided additional commentary in relation to relevant amendments laid on 7 July, and made recommendations in favour of consent in relation to some provisions of Parts 2 and 3 of the Bill. In order to aid parliamentary scrutiny, the Scottish Government has set out, where possible, its position on consent in relation to the August amendments both below and in the conclusion.

7. The Scottish Government's position on recommending consent in relation to the remaining relevant provisions of the Bill will be set out in a subsequent supplementary legislative consent memorandum. Further amendment of the Bill by the UK Government involving relevant amendments is anticipated in the autumn. That would again trigger a requirement for a further supplementary LCM.

Content of the Bill

8. 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 statement⁶:

"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](#)."

9. 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,

⁴ bills.parliament.uk/publications/67603/documents/8724

⁵ [rop_rm_rep_0828.pdf](#)

⁶ [Representation of the People Bill - Explanatory Notes](#)

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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” or “registration officers”⁷). 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 in-date 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 it 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 fines.

⁷ Electoral Registration Officers is the more commonly used term (e.g. in Electoral Commission guidance) but “registration officers” is the term typically used in legislation)

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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

10. As noted in the previous LCMs, 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 by the House of Commons.

11. 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 reservations set out in Section B3 of Schedule 5 of the Scotland Act 1998.

12. The devolution analysis required takes account of the complexity of electoral law and the devolution settlement. The Scottish Government agrees with the UK Government that certain measures in the Bill 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.

13. 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 and discussion with stakeholders is ongoing, the Scottish Government's assessment, with which the UK Government agrees, is accordingly that the following amendments trigger the need for legislative consent. In

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addition, comment is made where amendments have removed provision previously assessed as requiring legislative consent.

Part 1 – Young Voters

Amendment Gov 138 – Exceptions for combined information under devolved legislation

14. The third LCM noted that Clause 10(4) of the Bill would have allowed regulations made by the Scottish Ministers to modify new section 14A of the Scottish Elections (Reduction of Voting Age) Act 2015 (inserted by Clause 10(3)) to add restrictions on disclosure or new exceptions to the confidentiality of the electoral registration information of young people aged 14 or 15 who appear on the electoral register as attainers. New amendment Gov 138 removes Clause 10(4) from the Bill.

Position on Consent: Amendment Gov 138 does not involve legislative consent because it removes a provision which would otherwise have altered the executive competence of the Scottish Ministers, but the Scottish Government wishes to further discuss Clause 10 with the UK Government and the assessment set out in relation to Clause 10(3) in the third LCM stands.

Part 2 – Registration of Voters

Clause 32 - Anonymous registration

15. Clause 32 of the Bill makes provision on anonymous registration in England, Wales and Scotland. 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. The Bill as introduced sought to change this to three years by amending section 9C of the Representation of the People Act 1983 (the “1983 Act”). This would apply to the register of local government electors in Scotland and the Scottish Government indicated in the third LCM that it agreed with the UK Government that this triggered the need for legislative consent and recommended that consent be given. The register of local government electors in Scotland is the operative register for both local government and Scottish Parliament elections.

Amendments Gov 140 and Gov 141

16. Amendments Gov 140 and Gov 141 tabled on 28 August⁸ seek to amend Clause 32 of the Bill with the effect of extending the maximum period of entitlement to an anonymous entry in a register of electors from the three year period originally proposed in the Bill to five years. The UK Government indicates that this is in order to align with the maximum duration of postal voting or proxy postal voting arrangement (see amendments Gov 147 to Gov 150 from 28 August). The UK

⁸ [rop_rm_rep_0828.pdf](#)

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Government suggests that anonymous electors are more likely to rely on postal votes.

17. Amendment Gov 140 amends section 9C of the 1983 Act to extend the maximum period of time that an anonymous entry in the registers of electors can have effect without a further application to five years. Amendment Gov 141 amends section 9C so that an anonymous entry will remain in force for up to five years unless it is cancelled before that period ends.

18. The changes apply to any electoral register maintained by a registration officer in Great Britain. As such, they will apply to the register of local government electors in Scotland, which has effect for local government and Scottish Parliament elections.

Position on consent: The Scottish Government agrees with the UK Government that the change in duration for an anonymous entry – both in Clause 32 as introduced and as amended by Amendments Gov 140 and Gov 141 - make relevant provision applying to Scotland for a purpose within the legislative competence of the Parliament and trigger the need for legislative consent.

The Scottish Government recommends that the Scottish Parliament grant legislative consent to the amendments. The Scottish Government is sympathetic to the argument that the one year period places a disproportionate burden on both applicants and administrators. It is also acknowledged that continuing with a one period in respect of the local government register when the UK Parliament register had moved to a five year timeframe would cause inconvenience and confusion for voters.

Part 3 – Conduct of Elections etc.

Clause 48 - absent voting

19. Clause 48 introduces Schedule 3, which makes provision relating to absent voting. Part 1 of Schedule 3 amends Schedule 4 (absent voting in Great Britain) of the Representation of the People Act 2000 (“the 2000 Act”), which applies to absent voting at UK Parliamentary elections and local government elections in Scotland. The Scottish Government indicated in the third LCM that it agreed with the UK Government that these changes triggered the need for legislative consent and recommended that consent be given.

Amendments Gov 147 to Gov 150 on postal vote re-applications: move from 3- to 5-year cycle

20. Prior to the Elections Act 2022, the majority of people using postal votes had arrangements which were ‘permanent’. This required a ‘refresh’ of signature and date of birth information every five years, to ensure signatures provided on statements returned with postal ballots were up to date, and any change of signature

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did not result in votes being rejected. The 2022 Act introduced a maximum three-year limit for continuing postal vote arrangements for UK Parliament elections.

21. The Scottish and Welsh Governments subsequently agreed on a move to three year cycles for postal votes for their parliamentary and local government elections. This was in the context of voters in Scottish and Welsh parliamentary and local elections gaining access to the Online Absent Voting Application (OAVA), which will permit online applications for postal and proxy votes from 3 November 2026⁹.

22. In 2025 the Scottish Government lodged a [Legislative Consent Memorandum](#) in respect of the Absent Voting (Elections in Scotland and Wales) Bill (“the Absent Voting Bill”), a UK Parliament Bill connected to access to OAVA. The Absent Voting Bill limited the maximum duration of a postal vote at local government elections in Scotland to three years and secondary legislation was subsequently made by the Scottish Ministers to make this change for Scottish Parliament elections. These changes will take effect from 3 November 2026. At paragraph 28 of the Legislative Consent Memorandum for the Absent Voting Bill, the Scottish Government reflected on the merits of a three-year period for re-applying for a postal vote:

“While a three-year cycle means that people will have to make an application with more frequency, access to OAVA means that voters will, once again, be able to make one combined application for a postal vote in all elections in the UK. They will also be able to do so online.”

23. The four amendments tabled on 28 August¹⁰ all amend Schedule 3 of the Bill, and will all result in changes to Schedule 4 of the 2000 Act. The maximum period is determined by reference to 31 January. The reason for this is that before 31 January each year, EROs write to those whose postal vote is due to expire and invite reapplications. The overall effect will be to move from a continuing postal vote having a maximum duration of three years to a maximum duration of five years.

24. Amendment Gov 147 will change the maximum period for postal voting arrangements for applications that are received between 1 October and 30 January. It enables the postal voting arrangements which are granted during this period to remain in place until the sixth 31 January following the date of grant. This is a change from the fourth 31 January, which was the date in the Bill as originally introduced.

25. Amendment Gov 148 will change the maximum period for postal voting arrangements received between 31 January and 30 September. It enables the postal voting arrangements which are granted during this period to remain in place until the

⁹ For further background, see the [Policy Note](#) to the Absent Voting (Miscellaneous Amendment) (Scotland) Regulations 2026

¹⁰ [rop_rm_rep_0828.pdf](#)

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fifth 31 January following the date of grant. This is a change from the third 31 January, which was the date in the Bill as originally introduced.

26. Amendment Gov 149 makes equivalent provision to that in Amendment Gov 147 for postal proxy votes. This means that applications for postal proxy votes that are received between 1 October and 30 January will expire (if not cancelled beforehand) on the sixth 31 January after the application is granted.

27. Amendment Gov 150 makes equivalent provision to that in Amendment Gov 148 for postal proxy votes. This means applications for postal proxy votes that are received between 31 January and 30 September will expire (if not cancelled beforehand) on the fifth 31 January after the application is granted.

28. Schedule 4 of the 2000 Act sets out the law in relation to absent voting for local government elections in Scotland as well as UK Parliament elections and local government elections in England and Wales. These amendments will apply to local government elections in Scotland.

29. If these amendments are agreed the Scottish Government anticipates a need to amend the maximum period for a postal vote at Scottish Parliament elections by amending [The Scottish Parliament \(Elections etc.\) Order 2015](#) and consequential changes will also be required to [The Representation of the People \(Absent Voting at Local Government Elections\) \(Scotland\) Regulations 2007](#) and [the Representation of the People \(Scotland\) Regulations 2001](#) in respect of local government elections in Scotland.

Position on consent: The Scottish Government agrees that Parts 1 and 3 of Schedule 3 and the amendments described above make provision for a purpose within the Scottish Parliament's legislative competence to the extent that the amendments apply to local government elections in Scotland.

As noted in the third LCM, access for voters in Scotland and Wales to the UK Government's OAVA Application will allow voters to apply for an absent vote for all elections online. Legislation laid in the Scottish Parliament in January 2026 set the date for joining the OAVA system at 3 November 2026¹¹. This would involve the use of the UK digital service, which is reserved under the B3 reservation in Schedule 5 of the Scotland Act 1998. It is necessary for the UK digital service to be used for absent voting applications to be made online via OAVA.

The Scottish Government considers that a refusal of legislative consent in this area – and the resulting divergence between absent voting provisions between UK Parliament and those for Scottish Parliament and local government elections – would risk making it harder or potentially impossible for voters in Scotland to use the OAVA

¹¹ [The Absent Voting \(Miscellaneous Amendment\) \(Scotland\) Order 2026](#) and [The Absent Voting \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026](#)

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system to apply online for an absent vote. The Scottish Government therefore recommends consent to the relevant provisions and amendments to Part 3 on the basis that divergence would risk access by voters in Scottish Parliament and local government elections to OAVA, which is due to go live on 3 November 2026.

Part 4 – Campaigns and Political Expenditure

Meaning of “donation” – new Amendments NC115, NS6 and Gov 145

30. The third LCM indicated the Scottish Government’s agreement that Amendment NC 73 on the meaning of “donation” would require legislative consent and that engagement with the UK Government was ongoing prior to providing a view on legislative consent. This was because consent is required for provisions relevant to donations made to candidates, election agents and recognised third parties in connection with Scottish Parliament and Scottish local government elections as provision of that type is provision within the legislative competence of the Scottish Parliament.

31. Amendment Gov NC73 has now been withdrawn by the UK Government. This part of the LCM discusses the new amendments related to the meaning of donation.

32. As with the now-withdrawn Amendment Gov NC73, new Amendment NC115 tabled on 28 August¹² changes the meaning of donation for the purposes of existing provisions about the control of donations to candidates, registered parties and other persons. Changes are made to PPERA, including its section 50, which provides the single definition of “donation” used by all kinds of donations regulated by PPERA, including devolved matters like donations to recognised third parties at Scottish Parliament elections. This change will also apply to donations to Scottish Parliament candidates as article 36 of the Scottish Parliament (Elections etc.) Order 2015 also adopts the section 50 PPERA definition of donation.

33. Amendment Gov NC73 had sought to ensure that the new definition clarifies that the use of property to pay expenses, whether cryptoassets or any other property, will count as a donation. Under the current law where a donor meets an expense on behalf of the recipient, this is only considered a donation if they pay the expense with money. The intention was that cryptoassets cannot be used to pay expenses.

34. New Amendment Gov NC115 repeats the content of NC73 by providing that where a person pays an expense on behalf of a registered party by transferring any other property, they have also made a donation. This again includes cryptocurrency payments. This amendment will also cover other transfers of property, if a donor were to make an arrangement to settle an expense with property other than cryptocurrency.

¹² [rop_rm_rep_0828.pdf](#)

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35. The provision in subsection (2)(b) to be inserted by Amendment Gov NC115 is a new provision compared to Gov NC73 and provides that where property is transferred to settle an expense, the deemed value of the donation is equal to the amount of money it would have cost to settle that expense in money.

36. Gov NC115 also amends section 161 of PPERA, which currently provides two general rules for donations made by paying expenses on behalf of the party. The first is that a payment is only a donation if the person who is paying the expense has no right to be reimbursed by the party and the second is that a donation in the form of paying an expense is deemed received by the party on the day on which the expense is paid by the donor. Gov NC115 amends section 161 to extend these two general rules to apply to expenses settled by transferring property other than money.

37. This is provision within the legislative competence of the Scottish Parliament because the interpretation rules in section 161 which are amended apply to all types of donation under PPERA, including devolved donation types such as donations to recognised third parties at Scottish Parliament elections.

38. New Amendment Gov NS6 adds a schedule which seeks to make the same four changes as Amendment Gov NC115 (i.e. a transfer of property to meet an expense is a donation, the deemed value of that donation is equal to the amount of the expense met, the donation is deemed received on the day the expense is settled and it is only a donation if reimbursement from the party is not available to the donor). The changes are made across a range of different donation regulation schemes including:

- donations to recognised third parties at Scottish Parliament elections;
- donations to candidates at Scottish local government elections; and
- donations to campaigners in a Scottish referendum regulated by the Referendums (Scotland) Act 2020.

39. The amendments which apply to those types of donation make provision which is within the legislative competence of the Scottish Parliament.

40. New Amendment Gov 145 tabled on 28 August¹³ amends the extent clause of the Bill to provide that paragraph 7 of the Schedule added by Amendment NS6 which deals with Scottish referendums regulated by the Referendums (Scotland) Act 2020 only extends to Scotland. This amendment will require consent because it gives effect to NC115 and NS6 which are within the legislative competence of the Scottish Parliament.

¹³ [rop_rm_rep_0828.pdf](#)

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41. The Scottish Government agrees in principle that there is a greater need to regulate cryptoasset donations. However, engagement is ongoing with the UK Government on these provisions prior to providing a view on legislative consent.

42. As the new amendments will read across to all the political finance regimes, including the regimes that relate to devolved matters the UK Government considers this change will engage the legislative consent process to that extent.

Position on consent: The Scottish Government agrees that consent is required for provisions relevant to donations made to candidates, election agents and recognised third parties in connection with Scottish Parliament as provision of that type is provision within the legislative competence of the Scottish Parliament.

The Scottish Government agrees in principle that there is a greater need to regulate cryptoasset and other types of donation. However, engagement remains ongoing with the UK Government on these provisions prior to providing a view on legislative consent.

Donations etc. by overseas contributors – new UK Government Amendments NC116, NS7 and NS8

43. The third LCM set out the Scottish Government's agreement that amendments NC74, NS3 and NS4 in relation to donations from, and regulated transactions involving, overseas contributors tabled in July would require legislative consent.

44. Amendments NC74, NS3 and NS4 were withdrawn prior to Report Stage and have effectively been replaced by new amendments NC116, NS7 and NS8 tabled on 28 August¹⁴.

45. As with the earlier amendments, changes are proposed to existing sections and Schedules in PPERA, adding new sections 55B, 55C, 55D and a new Schedule 5A and amending Schedule 6 of the Political Parties and Elections Act 2009. The amendments also insert two new schedules into the Bill, the text for which is set out in amendments NS7 and NS8.

46. Only minor drafting refinements have been made to amendment NC116 compared to its predecessor NC74. As with the earlier amendment, it inserts a new section 55B (cap on donations by overseas contributors) into PPERA which sets a limit for donations by overseas contributors to registered parties at £100,000. It also inserts new sections 55C, 55D and new Schedule 5A and further information regarding these is available in the third LCM.

47. Amendment NS7, as with its predecessor NS3, inserts a Schedule into the Bill which makes application and transitional provisions in relation to the cap on

¹⁴ [rop_rm_rep_0828.pdf](#)

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donations to registered parties by overseas contributors provisions. Compared to the July amendment, this Schedule has some revised drafting, for example, to improve clarity or add some additional definitions. However, the amendment also includes some more substantive changes. These include a change to the retrospective effect of the overseas donations cap provisions which has been widened to capture a further category of cases. Paragraph 2 of the now withdrawn NS3 only captured pre-commencement donations received by registered parties on or after 25 March 2026 where the donor was either (a) an overseas contributor due to being registered as an overseas elector when the donation was received or (b) an overseas contributor due to not being a UK resident during all or part of the period starting on 1 January of the previous calendar year and ending when the donation was received and was registered as an overseas elector at any point between 25 March 2026 and when the donation was received.

48. In addition to these kinds of donations, paragraph 2(4)(c) of NS7 sets out a further category of pre-commencement donation that the overseas donation cap provisions would apply to. This is where the following conditions are met: (i) the donation was received by a registered party on or after 6 July 2026 (rather than 25 March 2026), (ii) the donor was an overseas contributor due to not being a UK resident during all or part of the relevant period (as set out in new section 55B(2)(b) of PPERA), (iii) the donor was not registered as an overseas elector at any point between 25 March 2026 and when the donation was received and (iv) the donor was not a UK resident during all or part of the period between 6 July 2026 and when the donation was received.

49. A change is also made to the calculation of the £100,000 cap for pre-commencement donations falling within this additional category. Ordinarily, new sections 55B and 55C, read with new Schedule 5A, require the main donation to be aggregated with relevant previous donations and transactions involving the individual across a range of regulated recipients. However, paragraph 7 of NS7 provides for the cap to be calculated on a donee-specific basis in these transitional cases. A previous relevant overseas donation is counted only if it was received by the registered party receiving the main donation. A previous relevant overseas transaction is similarly counted only if, when the main donation is received, that party is a party to the transaction or, in the case of a connected transaction, benefits or falls to benefit from it. Donations to, and transactions involving, other recipients are therefore disregarded when determining whether the main donation exceeds the cap.

50. In the House of Commons on 2 September, the retrospective effect and the changes discussed above were described by the Minister of State as follows:

“To ensure the efficacy of this cap, we are introducing a minimum residency period. That will mean that an individual moving or returning to the UK will be subject to the £100,000 cap for the remainder of the calendar year, plus another full calendar year. Measures relating to overseas electors and those who have been registered as overseas electors will be retrospective to the

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date that they were announced on 25 March 2026. Again, that will prevent bad actors from funnelling money into our elections in advance of the change in the law. We are also applying the cap and a minimum residency period to individuals who move to the UK after 6 July and were not previously overseas electors. The £100,000 annual cap will apply per recipient on donations and regulated transactions made from 6 July until commencement, after which they will be treated in the same way as former registered overseas electors. Further amendments relating to the declarations required for this will follow in the Lords.”¹⁵

51. Amendment NS8 is an updated version of the withdrawn amendment NS4. It inserts a new Schedule into the Bill which makes provision in relation to a cap on regulated transactions (such as loans or credit facilities) provided to registered parties by overseas contributors. In addition to drafting refinements, some substantive changes, equivalent to those described above in relation to NS7, have also been made.

Position on consent: The Scottish Government agrees with the UK Government that the legislative consent process is triggered in relation to these amendments. Amendment NC116, as with its predecessor NC74, amends the definition of “permissible donor” in PPERA. The definition applies to other donation types including donations made to recognised third parties in connection with election campaigns for the Scottish Parliament and local government elections in Scotland, and donations made to candidates at local government elections in Scotland. These are both matters within the legislative competence of the Scottish Parliament, so legislative consent is required. The Schedule to be added by amendment NS7 concerns cases where a relevant donation is received by a registered party. As with its predecessor NS3, the Scottish Government considers that legislative consent is required to the extent that these provisions apply to donations to political parties made for the purpose of assisting Members of the Scottish Parliament who are connected with the party to perform their parliamentary duties.

The Scottish Government’s engagement is ongoing with the UK Government on these provisions prior to providing a view on legislative consent.

Cryptoasset donations - New Amendment NC117

52. The third LCM indicated that the Scottish Government’s agreement that Amendment NC75, tabled in July, would require legislative consent and that engagement with the UK Government was ongoing prior to providing a view on legislative consent. That amendment conferred a new power on UK Ministers to, by regulations, expand some of the new donation restrictions placed on political parties by the Bill to a range of other forms of political donation types. UK Ministers would have been able to put in place equivalent or similar prohibitions and restrictions to those set out in the provisions relating to cryptoassets (amendment NC 72 described

¹⁵ See column 265: [Representation of the People Bill - Hansard - UK Parliament](#)

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in the third LCM), the cap on donations or loans from overseas donors (amendment NC 74 described in the third LCM) and donations by companies and Limited Liability Partnerships (LLPs) (clause 60 described in the third LCM). The power was broad and allowed regulations which achieve “effects equivalent” to the provisions in the Bill on those topics.

53. Amendment Gov NC75 has now been withdrawn by the UK Government. Gov NC117 which replaces Gov NC75 has similar effects.

54. New Amendment Gov NC117 tabled on 28 August¹⁶ is an updated version of the now withdrawn amendment Gov NC75. It again sets out a regulation-making power to allow UK Ministers to extend the restrictions on cryptoasset donations, donations by overseas contributors and donations by non-UK companies into other types of political giving (e.g. to candidates and recognised third parties).

55. The revised version now requires UK Ministers to obtain the consent of the Scottish Ministers before making any regulations under these powers which make provision about Scottish devolved matters (i.e. those within the legislative competence of the Scottish Parliament). This applies to both regulations made under Gov NC117(1) and to any regulations made using powers sub-delegated to UK Ministers by regulations made using Gov NC117(1).

56. A further change is made to describe retrospective effect under the regulations as applying “no earlier” than 25 March 2026, giving UK Ministers flexibility to pick a later date rather than specifying that the retrospective period must run from 25 March 2026 (the date of a Ministerial statement on the Report from the Independent Review into Countering Foreign Financial Influence and Interference in UK Politics)¹⁷.

57. The UK Government considers that Amendment Gov NC117 will require legislative consent as it confers powers to amend Acts of the Scottish Parliament and to amend electoral law as it applies to Scottish Parliament elections and Scottish local elections. Those aspects of the power are within the legislative competence of the Parliament.

Position on consent: The Scottish Government agrees that these amendments engage the legislative consent process as they amend the executive competence of Scottish Ministers by conferring on Ministers the function of consenting to regulations proposed by the Secretary of State and make provision for a purpose within the legislative competence of the Scottish Parliament insofar as they apply to local government elections in Scotland and Scottish Parliament elections. It also agrees in principle that there is a greater need to regulate cryptoasset donations. It welcomes the change made by the UK Government to require UK Ministers to obtain the consent of the Scottish Ministers before making any regulations under these powers

¹⁶ [rop_rm_rep_0828.pdf](#)

¹⁷ [Written statements - Written questions, answers and statements - UK Parliament](#)

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which make provision about Scottish devolved matters. Engagement remains ongoing with the UK Government on these provisions prior to providing a view on legislative consent.

Part 5 - Enforcement and the Electoral Commission

Powers to prescribe form and contents of campaign expenditure returns - Amendments NC114 and Gov 146

58. New Amendment NC114 tabled on 28 August¹⁸ amends sections 80, 96 and 120 of PPERA which make provision regarding returns for:

- (a) campaign expenditure incurred by or on behalf of a registered party during the relevant campaign period (i.e. period in relation to which a limit is imposed by schedule 9 of PPERA);
- (b) controlled expenditure incurred by or on behalf of a recognised third party during a regulated period (i.e. period in relation to which a limit is imposed by schedule 10 of PPERA); and
- (c) referendum expenses incurred by or on behalf of a permitted participant during a referendum period (within the meaning of section 102 of PPERA).

59. Amendment NC114 confers powers on the Electoral Commission to prescribe in regulations additional content required to be included in such returns, and to prescribe a form which must be used in making such returns.

60. Amendment Gov 146 tabled on 28 August¹⁹ amends clause 82 of the Bill (commencement) to provide for NC114 to come into force on Royal Assent.

Position on consent: The Scottish Government agrees with the UK Government that the amendments engage the legislative consent process as they make provision for a purpose within the legislative competence of the Scottish Parliament insofar as they apply to Scottish Parliament elections within a devolved regulated campaign period and referendums held in Scotland which have a devolved purpose.

Engagement remains ongoing with the UK Government on these provisions prior to providing a view on legislative consent.

Reasons for not making a recommendation on all aspects of legislative consent

61. 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

¹⁸ [rop_rm_rep_0828.pdf](#)

¹⁹ [rop_rm_rep_0828.pdf](#)

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clauses, in particular the complex new proposals for Parts 4 and 5 of the Bill, remains under consideration and discussion between the Scottish Government and the UK Government, and an update will be provided in a further supplementary LCM in due course and in the context of further relevant amendments being anticipated in the autumn.

Consultation

62. The Scottish Government has discussed 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 Commission's detailed assessment of the Bill is provided on its [website](#) and the position of the AEA, EMB and SAA are set out in evidence on the UK Parliament's webpage on the Bill.²⁰ 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 have been highlighted to those organisations.

Financial implications

63. 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 on 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

64. It is anticipated that further amendments to the Bill will be proposed during the Bill's passage and that a future supplementary Legislative Consent Memorandum on the Bill will need to consider any changes, in addition to those matters where a position on consent has not been provided by this Memorandum.

Post EU scrutiny

65. 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.

²⁰ [Representation of the People Bill publications - Parliamentary Bills - UK Parliament](#)

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Conclusion

66. The Scottish Government is giving careful consideration to the Bill and wishes to consult further with interested stakeholders and the UK Government prior to providing a full assessment of legislative consent to the Parliament. In meantime, it recommends consent to the following provisions (note that this is an updated version of the list provided with the third LCM):

Clause 30 - a new power on the Scottish Ministers regarding declarations of local connection for registration in the register of local government electors in Scotland. It is considered that this power will assist steps to keep the electoral register up to date.

Clause 32 - provision on anonymous registration regarding Scottish Parliament and local government elections, changing the period from one to five years. It is acknowledged that continuing with a one year period in respect of the local government register when the UK Parliament register had moved to a longer timeframe would cause inconvenience and confusion for voters.

Clause 33 – a clearly defined registration deadline for elections across the UK and a power for Scottish Ministers to change the registration application deadline for Scottish Parliamentary and local government elections following consultation with the Electoral Commission. It is considered that consent is desirable in order to have one consistent position across election types in this area, avoiding the potential for confusion.

Clause 36 – amendment to an existing power of the Scottish Ministers on voter registration and 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. It is expected that this change will provide benefits in seeking to improve the registration of electors.

Clause 37 – changing the 'open' register of electors from an 'opt out' model to one of opting in. It is accepted that refusal of consent to this change would result in voter confusion. It would in particular result in the UK Parliament register requiring a voter 'opt in' while the local government register required a voter 'opt out'.

Clause 48 and Schedule 3 – changes on absent voting, including a move from a three to five year maximum duration for continuing postal votes. It is considered that consent is required to the changes here to avoid unpicking the convergence put in place to allow voters to register online for postal and proxy votes for Scottish Parliament and local government elections from November 2026 onwards.

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Draft motion on legislative consent

67. For the reasons noted above, the Government intends to provide a draft motion on consent in relation to the Bill when a full position on consent can be provided.

Scottish Government
September 2026

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Representation of the People Bill – Supplementary Legislative Consent Memorandum

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