OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 18 September 2025

Session 6

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

15th Meeting 2025, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*Emma Roddick (Highlands and Islands) (SNP)
*Sue Webber (Lothian) (Con)
*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jamie Hepburn (Minister for Parliamentary Business)
Iain Hockenhull (Scottish Government)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 18 September 2025

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Martin Whitfield): Good morning. I welcome everyone to the 15th meeting of the Standards, Procedures and Public Appointments Committee in 2025. I have received no apologies from committee members.

Agenda item 1 is a decision on taking business in private. Are members content to agree to take in private item 5, which is consideration of our work programme?

Members *indicated agreement.*

Subordinate Legislation

Scottish Parliament (Elections etc) (Miscellaneous Amendments) Order 2025 [Draft]

09:30

The Convener: Our second item is evidence on the draft Scottish Parliament (Elections etc) (Miscellaneous Amendments) Order 2025. Members will recall that, at our meeting on 4 September, we took evidence on the order from the Electoral Management Board for Scotland and the Electoral Commission. Today, we have the opportunity to take evidence from the Minister for Parliamentary Business before we consider whether to recommend to the Parliament that the order be approved.

I welcome Jamie Hepburn, the Minister for Parliamentary Business, who is joined by Iain Hockenhull, the head of the elections bill team at the Scottish Government, and Jordan McGrory and Lorraine Walkinshaw from the Scottish Government legal directorate. Good morning to you all. I think that the minister would like a few minutes to open before we ask questions.

The Minister for Parliamentary Business (Jamie Hepburn): Thank you for inviting me to speak to the draft order, which seeks to make improvements to electoral law ahead of next May's Scottish Parliament election.

The changes that the draft order introduces build on the Scottish Elections (Representation and Reform) Bill, which the committee considered last year and which the Parliament passed, and which is now the Scottish Elections (Representation and Reform) Act 2025. Many of the topics that the order deals with were highlighted as the bill progressed through the Parliament. Several of the changes are technical adjustments that are designed to ensure the smooth running of the election, and others have been requested by various stakeholders.

I particularly wish to highlight one change that first arose when we consulted on the age at which people can stand for election. In a round-table discussion with my predecessor, a young person with experience of the care system highlighted the challenges that she had faced in seeking to register to vote. The order specifically responds to her comments by allowing looked-after young people to register to vote by declaration of local connections. I hope that she can reflect today on that change that we are making to the law.

Another change that we are making—or a change that I hope to make; I am being very presumptuous—provides an example of how

electoral law can develop across the United Kingdom, with changes in one nation influencing others. In 2020, the Scottish Parliament created an exemption for certain candidate expenditure in relation to security. The UK and Welsh Governments subsequently adopted that change, but they went a little further and applied it to security costs beyond those associated with public rallies or events. We are now seeking to adopt that expanded definition. It is clear—unfortunately, as we all know—that candidates often experience greater security challenges, and the measure is intended to offer assistance.

Other changes seek to complete the process that began with the bill last year by updating rules on campaigning, including those regarding undue influence and notional expenditure. Those rules will now be in line with those that apply to UK Parliament elections.

The draft order also builds on experience during the pandemic in relation to emergency rescheduling of elections. Moving the beginning of the dissolution period for the Scottish Parliament is intended to provide further resilience. The law currently says that dissolution is to occur 28 working days before the poll, and we are seeking to reduce that to 20 working days. For next year's election, that means moving the date from 26 March to 9 April, but it is anticipated that Parliament will go into recess on the earlier date. The reason for that change is to allow the Parliament to meet in exceptional situations—for example, if a Prime Minister were to call a UK Parliament election for a date on or near to the date that was set for the Scottish Parliament election. We have worked with stakeholders to ensure that there will be no change to the electoral timetable as a result of the proposal.

We are seeking to make a number of changes to emergency proxies and assisting people with voting in the run-up to the election. That includes a change to allow those who are accompanying people to medical appointments shortly before the poll to obtain an emergency proxy.

The draft order introduces a broad requirement for returning officers to provide appropriate support to aid voters with accessibility challenges. It is hoped that, along with guidance from the Electoral Commission, that will greatly improve the support that is offered.

The development of the order has involved close engagement with key stakeholders, including the Electoral Management Board for Scotland and the Electoral Commission. I thank them for their engagement and look forward to working closely with them in the coming months on the preparations for May 2026.

I hope that the committee will agree that the provisions will make positive changes that will benefit voters, candidates and administrators and that it will therefore support the instrument.

If you will indulge me, convener, I will make one final point. I wrote to the committee to highlight the issue of the online absent vote application. We have been working closely with the Welsh and UK Governments to ensure access to that service for voters in Scottish Parliament elections. I am sure that we would all welcome the prospect of voters being able to apply online for a postal or proxy vote.

In my most recent letter to you, convener, I highlighted that serious concerns had been raised about a go-live for the system occurring before May next year. I am happy to discuss that point further today, if you are inclined to do so, convener, and I made that point in my letter. However, I want to let the committee know that I have already set in motion a mitigation measure, which is set out in statutory instruments that will be laid on Monday, to delay until the end of 2026 any signature refresh for absent votes that are required before the election in May. That measure should reduce any scope for confusion between the online absent vote application system for UK Parliament elections and the separate process for Scottish Parliament elections.

Along with Iain Hockenhull, Lorraine Walkinshaw and Jordan McGrory, I will be happy to answer any questions that the committee might have.

The Convener: I am grateful for that, minister. We will go straight to questions, and I go to Annie Wells first.

Annie Wells (Glasgow) (Con): Good morning to you, minister, and to your officials. You mentioned the dissolution period. I would like to understand what discussions you have had with parliamentary authorities about reducing that period. I know that you have said that it will probably still start on the earlier date, rather than on 9 April. What discussions have been had?

Jamie Hepburn: Discussions are at a fairly early stage, but Parliament is aware that we are taking forward the changes. It is akin to the situation that we had in the run-up to the 2021 election, when we also changed the dissolution period. I am not proposing that we do quite the same as we did then, when everyone remained a member of the Scottish Parliament right up to the point of the election. That was for very specific circumstances that related to the pandemic.

I have explained and set out the rationale. We are primarily thinking of circumstances—they might be felt to be rare, but they could happen—in which the UK Government decides to call a

general election that falls either on the same day as or in close proximity to a Scottish Parliament election. The challenge is that the lead-in period for UK general elections is presently shorter than the period for Scottish Parliament elections. We are switching that around to enable the recall of the Parliament in order to consider such an issue. For example, would we want to delay the Scottish Parliament election? Powers are available, and we have legislated for the Presiding Officer to delay an election, but it might be felt that that would require and merit wider discussion by Parliament as a whole. The Presiding Officer would be able to recall Parliament if he or she were inclined to do so.

As for the practical experience, we are already engaged in dialogue about creating a short recess period to replicate the period of dissolution that we presently have under legislation. To all practical intents and purposes, people would not notice any difference. I am also aware that the Electoral Commission is actively engaging with the Scottish Parliament to think through how practical guidance would be laid out for those who are simultaneously members of the Scottish Parliament and candidates in the election.

Going back to the consideration by Parliament, I think that that is likely to happen, but it would be a matter for Parliament to determine the cessation of normal parliamentary activity or normal activity for parliamentarians, such as the lodging of written questions. Such activity would probably be suspended for the duration of any recess. Final details are still to be worked out, but there is engagement.

Annie Wells: Thank you, minister.

The Convener: To clarify, we will have two separate timetables that slightly overlap. We have a parliamentary timetable that, for a period, will overlap with an election timetable. At the point of dissolution, which has not yet been set—although the minister has indicated when it is likely to be—all current MSPs would cease to be MSPs and there would not, in fact, be a Parliament except for the PO, who stays in post. Decisions would be made. We are talking about the challenges of the overlap period. As you said, minister, discussions are on-going about the dual role that some people would have of being both an MSP and a candidate. Is that right?

Jamie Hepburn: That is right. I think that the issue is very much a moot point. If we consider the circumstances in which a recall of Parliament would be likely, clearly such a recall did not happen during the coronavirus period, and I think that it would have been more likely to happen then than it will be as we move forward, certainly into 2026.

The provisions are just to cover all eventualities. Practically speaking, I would say that what we saw in the 2021 election was that the day-to-day functions of being an MSP did not really remain. Everyone was focused on being a candidate.

The Convener: Thank you. I will go to Emma Roddick.

Emma Roddick (Highlands and Islands) (SNP): Good morning, minister. On accessibility, the order removes the detailed description of the tactile voting device in legislation and replaces it with a broader requirement for returning officers to provide appropriate support to aid accessibility at voting stations. The Electoral Commission is also required to provide guidance on such support, and I understand that a consultation on that is under way. Can you provide an update on any feedback or engagement that you have had with organisations that represent or advocate for those who might require such support?

Jamie Hepburn: Not so long ago, in this Parliament, I engaged with the cross-party group on visual impairment to discuss this very matter; there were a number of organisations around the table that campaign and advocate for those with sight loss, and there were people in the room who had experienced sight loss, too. We had a very useful discussion, and there was a clear sense and understanding that the change was, in effect, intended to improve accessibility.

We went through the subject as we discussed the passage of the bill. I know that it might seem counterintuitive to move from something prescriptive that says that a specific tactile voting device must be provided to something more general about the need to provide some form of aid to ensure accessibility, but the first thing that I would say is that it reflects the experience in UK elections. Many things could be said about ways in which the UK election, and the Scottish experience, the last time round could be improved, but that was not one of them. The approach worked in practice.

In effect, we are seeking to move away from the prescription of a specific form of tactile voting device, which is not flexible. The feedback suggests that the existing device does not work effectively in ensuring that someone is able to cast their vote in secret. I think that Chris Highcock from the Electoral Management Board gave you a clear example from our previous election; some of the ballot papers for the Scottish Parliament election were so long that people had to put two tactile voting devices together.

In future elections, there will be a tactile voting device that is specifically designed around the number of candidates on the ballot paper. I think that we would all agree that that is a more sensible

provision. Indeed, members will recall that I sent the committee samples of what was being worked on, and I hope that the committee felt that that demonstrated the type of innovation that is being taken forward and how it will improve things.

There has been engagement on this issue with not only the Electoral Commission and those who administer elections but those who represent the broad swathe of people who might have additional accessibility needs. Of course, that engagement will continue. I am certain that there will be further innovations and adaptations in future as technology advances and as things are tried and continually improved. That is what this change will enable.

Emma Roddick: Given the variance in how disability can affect a person, flexibility will always be welcome. The concern is then about the training of staff and the knowledge base and skills of staff to support people in the way that they most need to be supported. How will that be progressed ahead of the election?

09:45

Jamie Hepburn: That will be the responsibility of individual returning officers, but through engagement with the Electoral Commission. Having had dialogue with the Electoral Management Board and those who represent this community, I think that that is well understood and that they take the responsibility very seriously indeed. The understanding of what is required for that group will come about through engagement with those who have practical lived experience and with the organisations that represent them. That is my expectation, and it is taken seriously by those involved in administering elections.

Emma Roddick: Has there been engagement with people—or representatives of people—who have lived experience of being disabled in ways other than sight loss with regard to what more assistance might be needed?

Jamie Hepburn: I believe so. Iain Hockenhull might be able to say more.

Iain Hockenhull (Scottish Government): Primarily, it is the Electoral Commission that does that engagement. In effect, it has already done this process for UK Parliament elections, because the same duty was introduced under the Elections Act 2022. It has gone through the process of producing guidance, which seems to have been generally well received. It is now looking to do very much the same thing with the duty here. In its response to our consultation on the proposal last year, it said that it was hoped that aligning the rules for the UK and Scottish Parliament elections would help voters in such situations and that it would be less confusing if the support were the same. We could ask the Electoral Commission to update the committee on the specific details of how it has engaged.

Emma Roddick: With regard to the order, concerns have been raised about people being able to support more than one disabled voter and about undue influence or control being exerted. That concern must exist for postal votes, too, where there is less visibility with regard to who completes the forms and how the process has been undertaken. Has any consideration been given to that and to what more could be put in legislation to protect disabled people?

Jamie Hepburn: That speaks to the point that we have consulted on a number of other issues that are not included in the order. There will always be a continuous process. Indeed, there will be another order for the 2027 local government elections. If we are informed by individuals' practical experience and if other concerns are raised, we will, of course, consult on that and make further changes.

With regard to postal votes, right now, we rely on the signature of the individual who is returning the postal vote to ensure that it has been cast in accordance with expectation and electoral law. I am afraid that there will always be a limit to how much oversight is possible of how that is done in the home or wherever a person might fill out their postal vote form. That is a practicality that will not always be accounted for, but, if more can be done, we should reflect on that.

We will also give further consideration to the point about the number of people who an assistant can help in the polling station. Right now, the number is two. There are good reasons for that, in order to account for the very concern that you are thinking about. Equally, we have heard that it could be helpful for those who work as carers to be able to undertake the role for a slightly larger number of people. It is a question of getting the balance right. We will give that further consideration.

Emma Roddick: Would it not be safer for everybody if the person who is supporting a disabled person who needs assistance in the polling station to be somebody who does not know them?

Jamie Hepburn: That is a legitimate point. That would represent a fairly big change. I understand that we could say that that would ensure absolute impartiality, but we must also reflect on whether that is what the individual who casts their vote wants—they might want it to be someone they know and trust. A balance needs to be struck. I can earnestly say that I have not heard that cited as a significant area of concern. If that was to

emerge as an issue, we would need to reflect on that.

The Convener: There is a point on which I seek clarification. There seems to be a tension between new rule 38(4A) of the Scottish Parliament election rules and the previous rule—rule 46—with regard to assistance. I understand that, historically, the rule was designed for when the candidate actually casts their vote, rather than their journey to the polling station and the process throughout. Our fellow committee raised concerns about that in correspondence with the minister.

As a representative of the Scottish Government, are you able to state, for the record, whether you are content with the manner in which it has been directed that rule 46 will work in practice, given that part of the policy intention is to allow for innovation with regard to devices and the support that can be offered in future? You have hinted that you are content with that. Is that fair?

Jamie Hepburn: Yes, broadly speaking, I am content. Such things are borne out by practical experience, which is the point that I made to Ms Roddick. If a concern emerged, we would need to reflect on it.

At this stage, I see nothing that causes significant concern. It makes sense to take an adaptable and flexible approach rather than having to come back to specify each form or method of assistance at each election by introducing an order. The expectation is—all the evidence points to this—that such things will be subject to consultation. There is no sense that the community of those who administer elections wants to do anything other than maximise votes and help the greatest number of people to cast them.

The Convener: For the purposes of the election in May next year, is the Scottish Government content that the interpretation is in the right place to allow support to be offered?

Jamie Hepburn: Indeed.

The Convener: Good. My other question, which is about the equality impact assessment, is twofold. First, why did it take so long to produce, given the content of the order? Secondly, why was it published so late?

Jamie Hepburn: I understand that such things are a concern. An attempt is always made to ensure that everything comes through as quickly as possible. Ultimately, that is always a challenge, because officials work on multiple things at any given time, and only so many people can do such work. We always try to ensure that things are provided in enough time to ensure that they are adequately and properly scrutinised. If there are any particular concerns, we are happy to reflect on them.

The Convener: Absolutely. It is a question of allowing adequate and proper scrutiny to take place. The equality impact assessment was published on 16 September. I absolutely accept the difficulties and aim no criticism at all at any of those who support the minister on the matter, but there are timetables for when such things should be provided. Those timetables were established because they give enough time for adequate and proper consideration.

The one element that concerns me about the impact assessment's contents relates to an issue that you have acknowledged—the subjective challenge of conducting impact assessments with young people and the way in which that is achieved. The process of the order is one thing, but, on a slightly wider scale, with regard to the work that was done on the bill that is now the Scottish Elections (Representation and Reform) Act 2025, and on the other legislation, are you any the wiser about how to reach out to young people and to measure the impact on them, rather than engaging only with those who feel that they speak for them—in fact, some do speak for them—and others who say that the subjective evidence is, "There's no problem here. It must be good because we say it's good"?

Jamie Hepburn: I had a wry smile on my face, because I am increasingly less and less inclined to view myself as a young person. All we can do is engage with the widest range of organisations that represent young people and, through those bodies, engage with young people. I will never be satisfied with a process that simply allows organisations to speak for young people. They play a role and we will listen to that voice, but let us try to use those organisations that have the greatest range of engagement with young people to actually speak to young people themselves. That would be what I would want to do, and there is a commitment to do that on an on-going basis.

It goes back to the point that I made in my opening remarks about the provision that we have made for those who were looked-after children to be able to register on the basis of a local connection. That was directly influenced by one young person engaging directly with my predecessor, and I hope that that demonstrates that we put such measures in place.

Can we do better? We probably can. The issue is the age-old challenge of how we reach out to those whom we find it hard to reach. We must always try to do as much as we can, and the Government is committed to doing so. We are talking about young people in this specific instance, but there are plenty of other cohorts of people about whom we could say the same.

The Convener: What concerns me is that, despite the incorporation of the United Nations Convention on the Rights of the Child here and the very strong foundational requirement for human rights, the impact assessment for the order states:

> "Officials are largely reliant on anecdotal evidence from electoral administrators."

If we look at those coming out of care, we are talking about, first of all, a relatively small group, but also a group that contains some of the most vulnerable individuals.

I suppose that my question is: are you genuinely content that you have come to an understanding of their needs and expectations? I absolutely accept that a single person's input was invaluable in occasioning this particular change, and I echo your thanks to them and your hopes that that provides good evidence that individuals can change policy, but are you content that you have captured the expectations and needs of this group in particular, given the evidence that we have heard about the geographical challenge that it brings?

Jamie Hepburn: In as much as we have made the change, yes, I am satisfied. That is the first thing—we have made the change to enable this.

As for the point about the practical experience of people who engage with the process of casting their vote, we often have to rely on the feedback of those who administer elections in the first instance. However, what that leads us back to is that, if an issue is raised as an area of concern, we must engage with that wider cohort of people—in this instance, again, young people—to try to understand the problem, how we can resolve it and how we can do better. Inevitably—this will be true of any election—if you encounter any problems, you will have to rely on those who administer elections in the first instance to flag up what those problems might be.

The Convener: I think that the challenge and danger lies with the problem that is being encountered. If we are talking about an individual being unable to vote, the fact is that that problem will not be raised by those who provide feedback. It simply will not have happened to them. As we heard when we took evidence on the 2025 act—I should say that this is not a criticism—you use those in the electoral field, in the widest sense, to do the outreach to all of these groups; indeed, we heard on a number of occasions about that challenge, which relates not only to resources but to the practical aspects of how we speak to groups that are among our most marginalised from a democratic point of view. I take it that that is something that you will continue to consider.

Jamie Hepburn: Of course. Reflecting back on the legislation itself, we put in a specific requirement for the Electoral Commission to engage in an awareness-raising campaign on how people cast their vote in local government elections, because we know that there can often be confusion in that respect and that that manifests itself in some communities more than in others. Indeed, it was Bob Doris who flagged that up. That is another example of our being informed by someone who has raised an issue that they have identified in their community.

I take the point: when it comes to those who do not cast their vote, how can we understand better what the impediment has been? Sometimes, we can identify it readily; incidentally, that is one of the reasons for the Government not supporting the use of some form of identification for people to cast their votes. That was one of the very issues that we flagged. If there are other issues, we will have to do our best to try to understand what they might be, and that will happen only if there is constant engagement. Again, in the case of young people, that will mean relying on and engaging with organisations that represent and have the most direct contact with them; they will be able to facilitate a conversation with young people, some of whom might not have cast their vote, and who will tell us the reason why.

The Convener: That is helpful.

10:00

Ruth Maguire (Cunninghame South) (SNP): Good morning, minister. I want to ask you about the timing of the count. In the order, you have not specified a requirement for the count to be done overnight, but you have said that that is your preference. Most of us on the committee share that preference. There is a bit of self-interest in that regard, because we are the first to admit that getting through the count earlier is preferable for candidates.

There will be wider interest in the timing of the count among voters and the media. Can you explain why your preference is for an overnight vote? There is a concern about consistency. The Electoral Management Board has given assurances to the committee that there will be consistency. Whatever decision the board takes on whether it is an overnight count, what assurances would you want the board to communicate to candidates, voters, the media or other interested parties?

The Convener: I am content for the minister to share his personal views, but he is here representing the Government.

Jamie Hepburn: Yes, indeed. My view is largely based on the view, "That's the way it's aye been done." The count has always been done overnight, and I quite like it being done that way.

When I reflected on that view, I realised that it was probably not enough of a reason to direct the Electoral Management Board to take a particular decision, which is why I have not done so.

My decision reflects the fact that there are different views on the matter. Some contend that a next-day count is preferable to an overnight count; some people like the overnight count. The latter might be media driven, because the media like the drama of being able to go directly to the count and report on it overnight, although, again, I observe that that, in and of itself, is not a reason to do it that way.

The fact that there are different views led me to conclude that it was not appropriate or necessary to replicate what has been done at UK level, which is to specify that the count must begin as close as possible to within four hours of the poll closing and that, if, for some reason, that cannot happen, the returning officer must explain the reason, and so on and so forth. We have to rely on and trust those who administer our elections to make the right decision.

That said, making that decision is of fundamental importance. I have said to the committee in correspondence, and I made the point quite clearly to the convener of the Electoral Management Board, that although such a decision is for the community of those who administer elections, it is very important that it is applied consistently. We do not want one constituency's count to begin at one time and another's to begin at a different time. I am clear that we want a consistent approach to be applied.

However, having engaged with the Electoral Management Board, I do not think that that requires a prescriptive legislative decision. If it turns out that we feel that that is required in future, we will not hesitate to reconsider the matter, but, at this stage, I do not think that it is required. I get the very clear sense that the Electoral Management Board understands the expectation and recognises that the application of a consistent approach is a necessary part of the experience of administering the election.

The decision has to be fairly clearly communicated—in the first instance, to those who participate in the election as candidates, to those who support them as election agents and so on, and, thereafter, to the wider public, to let them know, for example, that they should not turn on the telly at 10 o'clock and expect the election programming to begin; they might have to wait a bit longer. I await the Electoral Management Board's decision, which will be made in consultation with returning officers. I know that a significant majority of returning officers favour a next-day count.

Ruth Maguire: Thank you.

The Convener: Just to clarify, is it the case that the board has not yet made a recommendation as to whether it should be an overnight count or a next-day count?

Jamie Hepburn: It is certainly the case that no recommendation has been communicated to me.

Sue Webber (Lothian) (Con): The convener has already touched on this, slightly.

Jamie Hepburn: He has stolen your question, you mean.

Sue Webber: A tiny bit.

You mentioned the importance of young people and looked-after young people specifically. We heard from the Electoral Commission that there was going to be

"a round-table ... with organisations that work with care-experienced young people to explain to them the changes"—[*Official Report, Standards, Procedures and Public Appointments Committee,* 4 September 2025; c.14]

and what that meant for them. What work does the Scottish Government have planned, in conjunction with the Electoral Commission or other organisations, to ensure that looked-after young people or those formally looked after and aged under 21 are aware of the declaration of local connection change with regard to their ability to exercise their right to vote?

Jamie Hepburn: To be perfectly candid, ultimately, we rely on the Electoral Commission to take that work forward, because it is perceived to be a non-partisan, impartial entity in discharging that function. Communicating that is also a matter for those who are responsible for electoral registration. It goes back to my earlier point that there are many organisations that can assist with the dissemination of that information, and those will be the organisations that are around the table with the Electoral Commission. Therefore, the Electoral Commission will have to hear what is said by those organisations, reflect on that and act accordingly.

Sue Webber: In a data-driven world, the commission will be best placed to reflect on the success of the change.

Jamie Hepburn: Indeed. The data that we have is in relation to the number of those aged 16 and over who have ceased to be looked after but who are eligible for continuing care and who would now be able to exercise that right. In 2023-24, 967 children and young people were eligible. About 33 per cent of them entered continuing care, and, as of 31 July 2024—these are probably the most recent available figures—there were 1,115 young people in continuing care. We have that type of information, so I guess that, yes, against that

information, you can have some form of assessment of how many people are exercising that right.

The other thing that we have to reflect on is that, although it is a right, it is not something—

Sue Webber: They do not have to do it.

Jamie Hepburn: —that is a requirement or something that people can be compelled to do. We need to bear that in mind, too.

Sue Webber: Yes, definitely. Thank you, minister. That is all from me.

The Convener: At the outset, the minister mentioned the online absent voting application procedure and the UK private members' bill in relation to that. Given the timing and the nature of the requirements, there is no feasible prospect of that procedure being in place for the election in May next year, and it would be unfair for anyone to expect that that would be in place by then. Is that a fair summation?

Jamie Hepburn: Broadly speaking, yes. There is the remotest of possibilities—an outside chance—but I think that that is very unlikely. I have been seeking to engage with the UK Government on the matter. In the first instance, I am very grateful to Tracy Gilbert for taking forward the private members' bill, but I have been clear at all stages that my preference would have been for that to be devolved to Scotland through a section 30 order. I am confident that, on that basis, we would have been able to legislate for those provisions and put them in place in time for the 2026 election.

However, we have had to rely on the UK Parliament, and the bill has been caught up in the UK Parliament because of its byzantine processes, which you will understand a lot better than I do, convener, as you were a Member of Parliament. That is very unfortunate, and that situation could have been avoided. I am seeking to engage with a wide range of people to, at the very least, express frustration and say that I hope that lessons are learned. I also spoke to Jane Bryant, my counterpart in the Welsh Government, which is also having to grapple with the issue.

That was a long way of saying that, yes, broadly speaking, you are correct.

The Convener: I suppose that the follow-up question relates to the six-month period before the election takes place, in which—I know that the minister agrees with this—we need a very stable and unchanging environment. On the off-chance that the legislation will be in place in time, is the minister utterly convinced that it will not unsettle that settled playing field before the election, or can people who are watching say, "No, we can still agree that, six months out from the election, we will know what it's going to look like"?

Jamie Hepburn: That is why I said that there is the remotest of possibilities. The Gould period begins on 7 November, so the likelihood of Tracy Gilbert's private members' bill getting royal assent in time for the election is very remote indeed. It is possible, but it is on the upper end of an outside chance. That was a longer way of saying that I have more or less made a decision that it is not going to be possible. I will communicate that shortly.

I want to make that clear to the committee. I do not want the committee to feel that I have not informed it that we are laying regulations on Monday to take account of some of the concerns and to ensure that those who have a postal ballot for the Scottish Parliament election will have an extended time to cast it. We do not want to get caught up in any of the confusion that might otherwise arise.

The Convener: My last question is in relation to the six-month period. Other than the regulations that will be laid on Monday, which relate to people who have already registered for a postal vote having that period extended so that there is no perceived risk of losing their vote, is any other further secondary legislation envisaged?

A number of matters that we have consulted on have not appeared in the instrument. We are getting close to the six-month period. Is there any intention of introducing any further legislation, other than what you have indicated to us, that you are aware of?

Jamie Hepburn: I do not want to mislead the committee, so I will ask Iain to answer that.

Iain Hockenhull: There are quite a few instruments—not least the preparation for an online absent voting application system, which go live whenever that is possible—but none that will have a bearing on the election next year.

The Convener: Yes, that is the part that I meant. I am trying to ensure that we are going to maintain the six-month period, plus a little bit. We know the time that such things need to go through.

Jamie Hepburn: We would return with something only in extremis, but there is nothing anticipated. Iain has confirmed that nothing is anticipated that would catch the committee on the hop.

On the point that you made about areas that have been consulted on but not included in the order, that is largely because they will be captured either by an order that will look at matters of voter registration, which were not required for this election, or by another specific order—which I have already mentioned—for the 2027 local

government election. There is time yet to deal with those things, and there was not an imperative to get that done in time for the coming election.

The Convener: That is very helpful, minister. As committee members do not have any other questions, I will now close the evidence session.

The next item is a debate on motion S6M-18103, on the Parliament's approval of the Scottish Parliament (Elections etc) (Miscellaneous Amendments) Order 2025. I remind those watching that, as members will be aware, only the minister and members can partake in the debate. I invite the minister to move the motion.

Motion moved,

That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2025 [draft] be approved.—[*Jamie Hepburn*.]

Motion agreed to.

The Convener: I am grateful. The committee will report on the outcome of our decision in due course. Are members content to delegate to me the authority to approve the draft report?

Members *indicated agreement.*

The Convener: I note that the deadline for reporting on the SSI is 10 October.

I thank the minister and those supporting him for attending this morning.

Cross-Party Group

10:15

The Convener: Agenda item 4 relates to a cross-party group's application to approve a change of purpose. The cross-party group on deafness applied for a change to its purpose to include a reference to deafblindness. Members will recall that we considered the request at our meeting on 26 June and agreed to seek further information from the convener of the group, particularly in relation to any potential overlap with the work or the purpose of the cross-party group on visual impairment.

A response from the convener has been included in the papers and will be published. We have also received correspondence from the convener of the CPG on visual impairment that indicates that the group has no objection to the proposed change of purpose for the CPG on deafness and affirms that

"the two groups collaborate on issues of mutual interest."

The question is whether we are going to agree to approve the change of purpose. Do committee members have any comments?

Ruth Maguire: I do not object to what is proposed. However, looking at what has happened, I wonder whether it might be a good example for our committee to examine when we look at the operation of cross-party groups and their rules.

The Convener: Indeed, and perhaps we could look at whether we need to rely on more than just decisions on whether there is overlap.

Sue Webber: I recognise what Ruth Maguire said, but I am reading the letters from both conveners and I still think that the two groups should be one CPG. The letters mention how they work together and do everything collaboratively, so, to me, it should be one CPG. I am not sure how the rest of the committee feels. It is a good example, as Ruth Maguire has just pointed out, but duplication on the topic is happening everywhere.

Ruth Maguire: I do not entirely disagree with what Sue Webber says, but, at this stage of the parliamentary session, it might be best to let things flow and use this as an example of how to proceed in the next parliamentary session.

Sue Webber: I agree.

The Convener: I thank the members for their contributions, and I think that you are right. If we allow it to flow, it can be an example in our inquiry. We can look in more detail at the details of where overlap is and who takes responsibility for pointing

that out. It is interesting that the correspondence talks about the groups having so much in common.

Are we content to allow the change of purpose, which has been indicated to us, as required by the rules on cross-party groups, and that we will write to the CPGs and invite them to contribute to our inquiry in the new year?

Sue Webber: Your remarks might be seen as a warning shot. It is partly due to where we are in the parliamentary session that the CPGs are being permitted to carry on as individual CPGs. Perhaps you could be a bit firmer in your communications.

The Convener: That is eloquently put, and it is on the public record.

Are members therefore content to approve the request to change the purpose of the CPG on deafness?

Members *indicated agreement.*

The Convener: I am grateful. I now move the meeting into private.

10:18

Meeting continued in private until 10:30.

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