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Pàrlamaid na h-Alba

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Standards, Procedures and Public Appointments Committee

Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill



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Standards, Procedures and Public Appointments Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members;
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters falling within the responsibility of the Minister for Parliamentary Business.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion."



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Introduction

1. The Absent Voting (Elections in Scotland and Wales) Bill is a Private Members Bill introduced in the House of Commons by Tracy Gilbert MP on 16 October 2024. The Bill was considered at Committee stage in the House of Commons on 11 June 2025. The Scottish Government lodged a legislative consent memorandum (LCM) on 12 June 2025.

The Bill

2. The Bill relates to absent voting at local government elections in Scotland and Wales and to elections to the Scottish Parliament and to Senedd Cymru. The LCM states:
 - ” “The Bill will give the Scottish and Welsh Governments concurrent powers to bring forward regulations to enable applications for postal and proxy votes for devolved elections to be made online using the Online Absent Vote Application (OAVA) service, as developed by the UK Government.”
3. The Bill also provides powers for the Scottish and Welsh Governments to make secondary legislation to include an identity verification requirement on absent voting applications (a check at the point an application is made which will require an applicant to provide their National Insurance number, or alternative evidence). Provision to align postal voting renewal cycles is also made.
4. Four technical amendments were made to the Bill at Committee stage, the purpose of which are described in paragraph 23 of the LCM. The Scottish Government states that:
 - ” “This change was developed in consultation with Scottish and Welsh Governments and is designed to ensure that that devolved local government proxy votes can be cancelled by Electoral Registration Officers if this is considered necessary as part of the transitional process.”

Legislative consent memorandum

5. The LCM states the Scottish Government “considers that access to OAVA will be a useful facility for Scottish voters since it will allow postal vote applications and most proxy vote applications to be made on online.” The LCM goes on to set out:

” “At present voters in Scotland have to apply for an absent vote in Scottish Parliament and local elections by completing a paper form. However, they can already use OAVA to apply for an absent vote in UK General Elections.”

6. The LCM also sets out information about a UK Government consultation on a proposal to use a Legislative Reform Order under the Legislative and Regulatory Reform Act 2006 to allow applications for postal and proxy voting arrangements for devolved elections in Scotland and Wales to be made online. Information about this consultation, including reference to submissions to the consultation from the Electoral Commission and the Electoral Management Board for Scotland are set out in paragraphs 33 to 42 of the LCM.

7. Paragraph 35 of the LCM sets out some of the suggested advantages of extending access to OAVA for electors in Scotland and Wales that were identified in the consultation paper:

” **a. For electors:** The increased efficiency of being able to make devolved absent vote applications online, instead of just on paper, and at the same time as their reserved absent vote application;

b. For electors: Removing the administrative burden of having to effectively make duplicate applications in a situation where an elector chooses to apply online for an absent vote for reserved elections, then chooses to apply for devolved applications, and must do so on paper;

c. For EROs: The increased efficiency of being able to digitally transfer information in online absent voting applications for devolved elections onto their electoral management system, rather than having to manually enter that information;

d. For EROs: Removing the administrative burden of receiving duplicate applications from electors who apply online for an absent vote for reserved elections, and then apply separately for devolved elections.”

8. The LCM indicates that joining the OAVA system is estimated to involve one-off costs of £1.3 million to each administration. Costs would primarily be associated with changes to electoral management systems.

Committee consideration

Standards, Procedures and Public Appointments Committee

9. The Committee considered the LCM at its meeting on 19 June 2025. The Committee noted that the Minister for Parliamentary Business, [had written to the relevant UK Government Minister on 30 May 2025](#) in relation to the timetabling of the Bill and to “stress [his] concern over the limited time now available for the Scottish Parliament to give its consent and also that [he] will now be obliged to ask it to do so to an expedited timetable” in order for the Parliament consent decision to be given before the summer recess. Prior to the Bill being considered at Committee stage in the House of Commons, the Minister also [wrote to the Committee on 6 June 2025](#) setting out information about the Bill and proposed amendments.
10. The Committee thanks the Minister for his letter of 6 June which assisted in preparation for the Committee's scrutiny of the LCM. The Committee shares the concerns that the Minister's letter expressed in relation to the timetabling of the Bill and the impact of that timetabling on the time available for the Committee to consider the LCM.
11. The Committee is of the view that the changes proposed by the Bill will provide greater clarity and certainty for those who wish to exercise their voting rights by post or proxy. The Committee is therefore of the view that it would be appropriate for consent to be given for the UK Parliament to legislate in this instance.

Delegated Powers and Law Reform Committee

12. The Delegated Powers and Law Reform (DPLRC) Committee considered the LCM at its meeting on 24 June 2025. The DPLRC did not bring any matters relating to the LCM to the attention of the Committee. The DPLRC agreed to write to the Scottish Government in relation to the powers in clauses 1 and 2 of the Bill to make regulations in relation to absent voting in the Scottish Parliament and Scottish local elections, using the UK Digital Service. The powers may be exercised either by a Minister of the Crown, or by the Scottish Ministers with the agreement of a Minister of the Crown. The letter from the DPLRC asks the Scottish Government:
 - how decisions will be made regarding which authority will exercise these powers, and
 - how it intends to facilitate scrutiny by the Scottish Parliament of the policy position in these regulations, where the power is exercised by a Minister of the Crown?

Conclusion

13. The Committee recommends that the Scottish Parliament consents to the UK Parliament legislating for the relevant provisions in this Bill.
14. The Committee notes, however, the questions asked by the DPLRC and requests that, in moving the motion on legislative consent, the relevant Cabinet Secretary or Minister provides a response to the questions raised by the DPRLC.

