

Delegated Powers and Law Reform Committee
Tuesday, 7th October 2025
28th Meeting, 2025 (Session 6)

Instrument Responses

Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2025 ([SSI 2025/263](#))

On 25th September 2025, the Committee's legal advisers asked:

The 2025 Regulations are connected to another instrument, the draft Absent Voting at Scottish Parliament and Local Government Elections (Signature Refresh) (Miscellaneous Amendment) (Scotland) Order 2025 ("the draft Order"), which was laid at the same time and will also be considered by the Committee on 7 October.

The same formulation of 'disapplying a requirement' has been used in both of these instruments. This works for the provisions affected by the draft Order (regulation [60A](#)(1) of SI 2001/497 and schedule 3 paragraph [14](#)(1) of SSI 2015/425) because they impose a definite requirement on the officer to send a notice, and the requirement which is being disappplied is clearly that requirement:

Requirement: "the [officer] **shall** every year by 31st January send [every person whose signature is more than 5 years old] a notice... [requiring the person to provide a fresh signature]"

Disapplication: "Where [an officer] would be required to [send a person a notice] by 31 January 2026... that requirement does not apply..."

However, this doesn't work in the same way for the provision affected by the 2025 Regulations (regulation [15A](#)(1) of SSI 2007/170), because it contains no actual requirement on the officer to send the notice – the only actual requirement is on the voter:

Regulation 15A(1): "A registration officer **may** send [a person a notice] requiring that person to provide a fresh signature"

Disapplication: "Where a registration officer may be required to send a person a notice... that requirement does not apply".

1. Could this have the effect that the registration officer is not obliged to send a notice under regulation 15A(1) before 7 May 2026 but would still have the authority to do so if they wished? Will registration officers definitely consider themselves barred by the 2025 Regulations from sending out these notices before 7 May 2026?
2. The provision in new regulation 15D(d) of SSI 2007/170 (inserted by regulation 2 of the 2025 Regulations) for the registration officer sending a notice by 31

January 2027 has the effect of replacing “may” with “must” . Is this in line with the policy intention?

3. Please confirm whether any corrective action is proposed, and if so, what action and when.

On 30th September 2025 the Scottish Government responded:

1. The provision is drafted insofar as possible consistently with regulation 15A of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 (“the 2007 Regulations”). Regulation 15A(1) and (2) of the 2007 Regulations provides that the registration officer “may” send a signature refresh notice to any absent voter whose signature held on record is more than 5 years old, and that it must be sent to the voter’s current or last known address. The new regulation 15D (inserted by regulation 2 of the 2025 Regulations) is intended to make clear that any requirement to send the notice before 7 May 2026 is lifted for registration officers. In practice, regulation 15A(1) and (2) of the 2007 Regulations has been interpreted as a requirement on registration officers. People will have one absent vote arrangement for Scottish Parliament and Local Government elections - so where people have indefinite absent voting arrangements, they will receive a single signature refresh request. The 2007 Regulations apply where a person has an absent vote arrangement for Scottish local government elections only. Registration officers need not consider themselves barred from sending out notices under the 2007 Regulations; that is in line with the policy intention.
2. The new regulation 15D will apply where the registration officer may be required to send a person a notice under regulation 15A(1) and (2) before 7 May 2026. Regulation 15D(d) has the effect of replacing a “may” with a “must” and aligns with that policy intention. The effect of the provision is confined to the persons to whom the notice must be sent in the lead-in to regulation 15D – for those cases registration officers are required to send a notice under regulation 15A(1) and (2), but only by 31 January 2027. The effect is to remove the 31 January 2026 deadline.
3. Accordingly, no corrective action is proposed.