

Standards, Procedures and Public Appointments Committee  
Thursday 26 February 2026  
7th Meeting, 2026 (Session 6)

## Note by the Clerk on the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026

### Overview

1. At this meeting, the Committee will take evidence from the Minister for Parliamentary Business and Veterans and officials on the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026 before debating a motion in the name of the Minister inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

**Title of instrument:** [Scottish Elections \(Representation and Reform\) Act 2025 \(Consequential Provision\) Regulations 2026](#) [draft]

**Laid under:** [Scottish Elections \(Representation and Reform\) Act 2025](#)

**Laid on:** 11 February 2026

**Procedure:** Affirmative

**Lead committee to report by:** 22 March 2026

**Commencement:** If approved, the instrument comes into force on the day after the day on which it is made

### Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.

6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
  - an evidence session with the Minister and officials, followed by
  - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

## **Delegated Powers and Law Reform Committee consideration**

8. The DPLR Committee considered the instrument on 16 February and reported on it in its [19<sup>th</sup> Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

## **Purpose of the instrument**

9. The Regulations relate to previous statutory instruments considered by the Committee in relation to dual mandates and seek to correct a disconnect between the rules affecting dual mandate MSP salaries and their pensions under the Scottish Parliamentary Pensions Scheme Act 2009.
10. In the Policy Note accompanying the instrument, the Scottish Government sets out that it “has been informed by the Scottish Parliamentary Corporate Body, on behalf of Scottish Parliamentary Pension Scheme (SPPS) Trustees, that as a consequence of the changes made to section 82 of the Scotland by SSI 2025/306 and SSI 2025/307, the pension rules affecting dual mandate MSPs are now out of step with section 82 of the 1998 Act as amended. This creates a disconnect between the rules affecting dual mandate MSP salaries and their pensions, as governed by the respective Acts.”
11. The policy note goes on to indicate that the intention of the Regulations is to ensure that the amendments to section 82 of the Scotland Act are reflected in the Scottish Parliamentary Pensions Act 2009. It is also noted that Scottish Government has had discussions with relevant Parliament officials on the proposed changes.
12. The Policy Note is included at Annexe A. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. A Child Rights and Wellbeing Impact Assessment (CRWIA) has been carried out.
13. In advance of the Committee’s consideration, the clerks sought confirmation that Parliament officials are content that the change proposed in the Regulations rectify the disconnect and that any actions necessary on the part of the Parliament will be taken should the Regulations be approved. This confirmation

has been provided by the Parliament's Clerk/Chief Executive as set out in Annex B.

## **Report**

14. Depending on the outcome of today's proceedings on the instrument, the Committee should either:
- agree to consider a draft report in private at its next meeting (if members wish the report to make points of substance or recommendations); or
  - delegate to the Convener responsibility for approving a report for publication (if members are content with a short, factual report only).

**Clerks to the Committee**  
**February 2026**

## **Annexe A: Scottish Government Policy Note**

### **POLICY NOTE**

#### **THE SCOTTISH ELECTIONS (REPRESENTATION AND REFORM) ACT 2025**

#### **(CONSEQUENTIAL PROVISION) REGULATIONS 2026**

#### **SSI 2026/XXX**

The above instrument was made in exercise of the power conferred by section 72 of the Scottish Elections (Representation and Reform) Act 2025. The instrument is subject to the affirmative procedure.

#### **Summary Box**

The instrument updates a number of references to section 82(2) of the Scotland Act 1998 (“the 1998 Act”) in the Scottish Parliamentary Pensions Act 2009 (“the 2009 Act”). The adjustments resolve a disconnect between the 2009 Act and 1998 Act that has arisen as a consequence of changes made to the 1998 Act by the Scottish Parliament (Disqualification of Councillors) Regulations 2025 (SSI 2025/306) and the Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025 (SSI 2025/307).

#### **Policy Objectives**

The Scottish Parliament (Disqualification of Councillors) Regulations 2025 (SSI 2025/306), the Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025 (SSI 2025/307) and the Scottish Parliament (Disqualification of Members of the House of Lords) Regulations 2025 (SSI 2025/308) each amend the Scotland Act 1998 to disqualify a person from holding the role of MSP if they are also a Councillor elected to a Scottish Council, a Member of the House of Commons or a Member of the House of Lords. In each case there is an exemption period to ensure the person has the opportunity to take steps to resolve their dual mandate by leaving their Councillor, MP or Lords role to enable them to continue in their MSP role (or vice versa). SSIs 2025/306 and SSI 2025/307 also amend section 82 of the Scotland Act 1998, which limits the salary that can be paid to a dual mandate holder.

Schedules 1 and 2 of the Scottish Parliamentary Pensions Act 2009 refer to dual mandate MSPs and a number of provisions in the 2009 Act refer to section 82(2) of the Scotland Act 1998. The Scottish Government has been informed by the Scottish Parliamentary Corporate Body, on behalf of Scottish Parliamentary Pension Scheme (SPPS) Trustees, that as a consequence of the changes made to section 82 of the Scotland Act by SSI 2025/306 and SSI 2025/307, the pension rules affecting dual mandate MSPs are now out of step with section 82 of the 1998 Act as amended. This creates a disconnect between the rules affecting dual mandate MSP salaries and their pensions, as governed by the respective Acts.

The Scottish Government agrees that the changes made by SSI 2025/306 and SSI 2025/307 have created a disconnect. This instrument accordingly ensures that the

amendments to section 82 of the Scotland Act 1998 from those earlier instruments are reflected in the relevant places in the Scottish Parliamentary Pensions Act 2009.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers have certified that, in their view, the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

### **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

### **Consultation**

There was a public consultation on the Scottish Parliament (Disqualification of Councillors) Regulations 2025 (SSI 2025/306) and the Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025 (SSI 2025/307) between 20 January 2025 to 23 March 2025. No formal consultation has taken place on this instrument given the changes it makes are minor and technical.

For this consequential instrument, as it updates references in the Scottish Parliamentary Pensions Act 2009, the proposed changes were discussed with relevant Scottish Parliament officials.

### **Impact Assessments**

A CRWIA has been completed on the Scottish Ministers certify that, in their view, the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

Further impact assessments have not been produced given the limited focus of these regulations.

### **Financial Effects**

The Minister for Parliamentary Business and Veterans confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Communications and Ministerial Support Directorate  
February 2026

**Annexe B: Correspondence**

**Letter from SPPA Committee clerks to the Scottish Parliament's Clerk/Chief Executive – 17 February 2026**

I am writing on behalf of the Standards, Procedures and Public Appointments Committee in relation to the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026. The Committee expects to take evidence on the Regulations from the Minister for Parliamentary Business and Veterans at its meeting on Thursday 26 February.

In the policy note accompanying the instrument, the Scottish Government sets out that it “has been informed by the Scottish Parliamentary Corporate Body, on behalf of Scottish Parliamentary Pension Scheme (SPPS) Trustees, that as a consequence of the changes made to section 82 of the Scotland by SSI 2025/306 and SSI 2025/307, the pension rules affecting dual mandate MSPs are now out of step with section 82 of the 1998 Act as amended. This creates a disconnect between the rules affecting dual mandate MSP salaries and their pensions, as governed by the respective Acts.”

The policy note goes on to indicate that the intention of the Regulations is to ensure that the amendments to section 82 of the Scotland Act are reflected in the Scottish Parliamentary Pensions Act 2009. It is also noted that Scottish Government has had discussions with relevant Parliament officials on the proposed changes.

To inform the evidence session with the Minister, the Committee would be grateful if you would be able to confirm whether officials are content that the proposed changes set out in the Regulations rectifies the disconnect and that any actions necessary on the part of the Parliament will be taken should the Regulations be agreed.

It would be helpful if you were able to provide a response by noon on Monday 23 February 2026.

**Letter from the Scottish Parliament's Clerk/Chief Executive to the SPPA Committee clerks – 18 February 2026**

Thank you for your letter of 17 February regarding the Scottish Elections (Representation and Reform) Act 2025 (Consequential Provision) Regulations 2026. I can confirm that officials are content with the proposed changes set out in the Regulations and that any actions necessary, on the part of the Parliament, will be taken should the Regulations be agreed.