

Standards, Procedures and Public Appointments Committee
Thursday 1 October 2026
4th Meeting, 2026 (Session 7)

Note by the Clerk: negative instruments

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instruments (SSIs), which are subject to the negative procedure. The Committee is invited to consider the instruments and decide what, if any, recommendations to make.
2. Further information about each instrument is provided in the Annexes to this paper:
 - **Annexe A** – [The Representation of the People \(Absent Voting at Local Government Elections\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/251\)](#)
 - **Annexe B** – [The Scottish Local Government Elections Amendment Order 2026 \(SSI 2026/254\)](#)

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
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. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Committee consideration

7. So far, no motion recommending annulment of either instrument has been lodged.
8. Members are invited to consider each instrument and decide whether there are any points they wish to raise. Negative instruments must normally be dealt with

within tight deadlines of only a few weeks but clerks will seek whenever possible to ensure an instrument appears on the agenda for the first available meeting at which it can be taken. Subject to any time constraints, if there are points to raise on an instrument, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

9. It would then be for the Committee, at its next meeting, to consider any additional information gathered.

10. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make). In noting the instrument, the Committee has the option of writing to the Scottish Government, or any other relevant person, with an observation, view or request that appears relevant to its consideration of the instrument.

11. However, should a motion recommending annulment of one of the instruments be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
October 2026

Annexe A: The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2026 (SSI 2026/251)

Laid under: [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (sections 22(3), 33 and 61(2))

Laid on: 4 September 2026

Procedure: Negative

Deadline for committee consideration: 26 October 2026

Deadline for Chamber consideration: 29 October 2026

Commencement: 13 November 2026

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 22 September 2026 and reported on it in its [7th Report, 2026](#). The DPLR Committee drew this instrument to the attention of the Parliament “under reporting ground (i) (drafting appears to be defective) due to the omission of a closing date for the new category of emergency proxy vote applications”. The report also said that “The Committee notes and welcomes the Scottish Government's prompt action to remedy this omission”.

Purpose of the instrument

These Regulations update the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007. They make provision to allow an application for an emergency proxy to be made where the applicant cannot vote in person at the election because they will be accompanying another person who will be receiving medical care or treatment. They also set a specific date, each year, by when Electoral Registration Officers must send a notice requiring any absent voter whose signature is more than 5 years old to provide a new signature. The emergency proxy change will apply to all Scottish Parliament elections which take place on or after 6 May 2027 and the signature refresh will come into force on 13 November 2026.

The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:

- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)
- [Equalities Impact Assessment \(EQIA\)](#).

Scottish Government Policy Note

POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (ABSENT VOTING AT LOCAL GOVERNMENT ELECTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2026

SSI 2026/251

The above instrument was made in exercise of the powers conferred by sections 22(3), 33 and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 and all other powers enabling the Scottish Ministers to do so. The instrument is subject to negative procedure.

Summary Box

Purpose of the instrument. These Regulations update the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007. They make provision to allow an application for an emergency proxy to be made where the applicant cannot vote in person at the election because they will be accompanying another person who will be receiving medical care or treatment. They also set a specific date, each year, by when Electoral Registration Officers must send a notice requiring any absent voter whose signature is more than 5 years old to provide a new signature. The emergency proxy change will apply to all Scottish Parliament elections which take place on or after 6 May 2027 and the signature refresh will come into force on 13 November 2026.

Policy Objectives

1. The purpose of this instrument is to amend the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 (the “2007 Regulations”) to reflect changes to the rules and procedures for the running of Local Government elections in Scotland. The changes are set out in more detail below.
2. In terms of section 5 of the Local Government etc. (Scotland) Act 1994 (as amended by the Scottish Elections (Dates) Act 2016), the next ordinary Local Government election is scheduled to take place on 6 May 2027.
3. If approved, regulation 3 will apply to any election for which the date of the poll is on or after 6 May 2027, whilst regulation 4 will apply from 13 November 2026.
4. Most of the rules which governed the running of absent voting at the ordinary local government general election held in May 2022 will remain the same, however this instrument makes two changes which reflect developments since the last election.
5. In addition to these Regulations, the Scottish Local Government Elections Amendment Order 2026, the Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026 and the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 will make further changes to the rules for the running of local government elections in Scotland.
6. The changes set out in these Regulations are as follows:

Emergency application to vote by proxy at a particular election (Regulation 3)

7. The Electoral Commission and Electoral Registration Officers asked the Scottish Government to consider expanding the categories of voters who are entitled to apply for an emergency proxy to include those who find themselves unable to vote in person, because they are acting as a companion for someone who needs to be accompanied to an unplanned medical appointment. In particular, this affects those who care for young or older people. This policy change was discussed in the Electoral Reform Consultation (see Consultation section) and was supported by 61% of respondents, including 100% of organisations. It was adopted in 2025 in respect of Scottish Parliament elections¹.

8. This regulation therefore amends regulation 10 of the 2007 Regulations to allow anyone who cannot vote at Scottish local government elections in person, due to them accompanying another person to attend medical care or treatment, to apply for an emergency proxy vote. The person requesting a proxy must state the reasons why they were unable to make the application before 5 pm on the sixth day before the date of the poll. Applications must be attested and signed by a person who is aged 16 years or over, knows the applicant, and is not related to the applicant.

9. The change made in 2025 in relation to Scottish Parliament elections required the attester to state the reasons why the applicant was unable to make the application before 5 pm on the sixth day before the date of the poll. Discussion with the Electoral Commission has resulted in the conclusion that it would be more logical for the applicant to provide this explanation and that is therefore required by these Regulations. The Government has taken a note of the need to update the equivalent provisions for Scottish Parliament elections accordingly.

10. As for other emergency proxy applications, the deadline for applications will be 5pm on the date of the poll.

Requirement to provide fresh signatures (Regulation 4)

11. Regulation 15A of the 2007 Regulations sets out that an Electoral Registration Officer may send a notice, in writing, to any absent voter whose signature is more than 5 years old requiring them to provide a fresh signature.

12. This Regulation brings the position for local government elections into line with the existing position for Scottish and UK parliamentary elections by setting a specific deadline by when these notices must be sent. This will standardise the position for refreshment of signatures at Scottish and UK Parliamentary and local government elections.

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

13. The Scottish Ministers have made the following statement regarding children's rights.

¹ See Article 15: https://www.legislation.gov.uk/ssi/2025/313/pdfs/ssipn_20250313_en_001.pdf

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 certify that, in their view, the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation

15. The Scottish Government's Electoral Reform Consultation ran between 14 December 2022 and 15 March 2023. The consultation requested views on a number of issues, including proxy voting for carers.

16. 517 responses to the consultation were received, 94% from individuals, and 6% from organisations. The Scottish Government published an independent analysis of the consultation on 31 July 2023. Copies of the consultation, responses and the analysis are available on the Scottish Government's website.

17. Electoral Administrators, including returning officers and Electoral Registration Officers, and other external stakeholders have been involved in discussions on relevant aspects of these Regulations.

18. As well as the general consultations, the following bodies and stakeholders were specifically consulted during the finalisation of the draft Regulations:

- Electoral Commission
- Electoral Management Board for Scotland
- Association of Electoral Administrators
- Electoral Registration Committee of the Scottish Assessors Association
- COSLA
- Scottish Parliament Political Parties Panel
- Scottish Parliament officials
- The Information Commissioner

19. The responses to these consultations have helped informed the content of these Regulations.

20. The Electoral Commission were consulted during the drafting of these Regulations.

Impact Assessments

21. The Scottish Government has prepared a Child Rights and Wellbeing Impact Assessment (CRWIA). The CRWIA concludes that the overall impact of these Regulations on children's rights is both positive and neutral.

22. An Equalities Impact Assessment (EQIA) has been prepared, outlining the impacts on groups with protected characteristics. There is minimal differential impact on these groups, and where there are differences, the EQIA finds that there is a positive impact.

23. These Regulations make some amendments relating to processing of data in an electoral context. Electoral Registration Officers continue to be data controllers of the electoral register and related data, and the changes made in these Regulations ensure that the data collected is consistent with existing practice. Scottish Government have consulted the Information Commissioner on these changes, and no concerns have been raised to date. A Data Protection Impact Assessment (DPIA) has not been completed as there will be no change to the data held by the Scottish Government because of these Regulations.

24. The Scottish Government view is that these Regulations have no significant impact on data protection, the environment, fairness; island communities and therefore no impact assessments are required for those areas.

Business and Regulatory Impact Assessment (BRIA)

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

Financial Implications

26. Local authorities are responsible for meeting the cost of Local Government elections from within their overall budget. These Regulations are not expected to result in any significant increased costs.

**Scottish Government
Directorate for Constitution
September 2026**

Annexe B: The Scottish Local Government Elections Amendment Order 2026 (SSI 2026/254)

Laid under: [Local Governance \(Scotland\) Act 2004](#) (sections 3(1) and (3A) and 16(2))

Laid on: 4 September 2026

Procedure: Negative

Deadline for committee consideration: 26 October 2026

Deadline for Chamber consideration: 29 October 2026

Commencement: 13 November 2026

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 15 September 2026 and reported on it in its [4th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

Purpose of the instrument. This Order makes changes to the Scottish Local Government Elections Order 2011. It requires candidates to ensure a correspondence address is available for publication in the event of their becoming their own agent by default; clarifies how a candidate's name should appear on the ballot paper; allows for Returning Officers to provide additional information to the voter on poll cards and updates the requirement for Returning Officers to provide equipment to assist electors to cast their votes. There are also some consequential changes to forms due to legislative changes. The changes will apply to all Scottish local government elections which take place on or after 6 May 2027.

The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:

- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)
- [Equalities Impact Assessment \(EQIA\)](#).

Scottish Government Policy Note

POLICY NOTE

THE SCOTTISH LOCAL GOVERNMENT ELECTIONS AMENDMENT ORDER 2026

SSI 2026/254

The above instrument was made in exercise of the powers conferred by sections 3(1) and (3A), and 16(2) of the Local Governance (Scotland) Act 2004 and all other powers enabling the Scottish Ministers to do so. The instrument is subject to negative procedure.

Summary Box

Purpose of the instrument. This Order makes changes to the Scottish Local Government Elections Order 2011. It requires candidates to ensure a correspondence address is available for publication in the event of their becoming their own agent by default; clarifies how a candidate's name should appear on the ballot paper; allows for Returning Officers to provide additional information to the voter on poll cards and updates the requirement for Returning Officers to provide equipment to assist electors to cast their votes. There are also some consequential changes to forms due to legislative changes. The changes will apply to all Scottish local government elections which take place on or after 6 May 2027.

Policy Objectives

1. The purpose of this instrument is to amend the Scottish Local Government Elections Order 2011 (the “2011 Order”) to reflect changes to the rules and procedures for the running of Local Government elections in Scotland. The changes are set out in more detail below.
2. In terms of section 5 of the Local Government etc. (Scotland) Act 1994 (as amended by the Scottish Elections (Dates) Act 2016), the next ordinary Local Government election is scheduled to take place on 6 May 2027.
3. This Order will apply to any election for which the date of the poll is on or after 6 May 2027.
4. Most of the rules which governed the running of the ordinary local government general election held in May 2022 will remain the same, however this instrument does include a number of changes which reflect developments since the last election.
5. In addition to this Order, the Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026, the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 and the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2026 will make further changes to the rules for the running of local government elections in Scotland.
6. The changes set out in this Order are as follows: Nomination of candidates (Article 3)
7. This article seeks to ensure that any candidate who becomes their own election agent by default has an address which will be treated as their office address and published for that purpose. This address may be a correspondence address or their home address. This is to ensure that communications can be addressed to the

election agent. If a candidate has elected to make their own personal address public, then that address will be used, provided it is in Scotland. If they have not made their personal home address public, a correspondence address within Scotland will be required for use in the event they become their own agent by default.

8. There are three situations where a candidate is deemed to have appointed themselves as their own election agent by default².

- Where no person's name or address is given as the election agent of a candidate;
- If the appointed agent dies and a new appointment is not made on the day of the death or the following day; or
- If the appointment of a candidate's election agent is revoked without a new appointment being made.

Format of Candidates' names (Article 4 and Form 4)

9. Following discussions within the electoral administrator community over exactly how a candidate's name should appear on the UK parliamentary ballot paper at the July 2024 general election, this Order seeks to clarify how a candidate's surname and forename should appear on the local government ballot paper.

10. The templates for the ballot paper at both UK and Scottish Parliamentary elections include a comma after the candidate's surname. In contrast, the ballot paper template for Scottish local government elections does not have a comma between the surname and forename(s).

11. To reduce the risk of confusion, the changes in this Order will require that a candidate's name must appear on the ballot paper with their surname first, followed by their forename and that these names must be separated by a comma. The template for the local government ballot paper, set out in Form 4 of the 2011 Order, is also amended so that a comma is now shown between a candidate's surname and forename. This change standardises the way that candidates' names appear on the ballot paper at all elections in Scotland.

Additional information on polling cards (Article 5)

12. In connection with trials for a telephone line to read out the names of candidates on the ballot paper, to assist voters with sight issues, the Electoral Commission expressed concern that rule 24(4) of the 2011 Order did not allow a Returning Officer to add additional information to the poll card on what facilities might be available for voters with disabilities. Whilst there is provision to add contact information in the 'Getting Help' box, there is no discretion which would allow additional information to be added to these statutory forms.

13. The Order will therefore amend rule 24 to allow Returning Officers to add such other information to the poll card as they think appropriate. This information should not relate to any candidate or registered party, and the Returning Officer will have the

² See further section 50(5) of the Representation of the People Act 1983 (Effect of default in election agent's appointment). This section is to be amended by the Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026, laid for approval by the Scottish Parliament alongside this SSI

flexibility to provide different additional information to different electors or descriptions of elector. Returning Officers already have a similar discretion at Scottish Parliament elections. Equipment of polling stations (Article 6)

14. The requirement for a tactile voting device which is currently set out in rule 25(5)(b) of schedule 1 to the 2011 Order is amended to include a broader requirement for Returning Officers to provide appropriate support to aid accessibility at polling stations. A new paragraph (5B) requires the Electoral Commission to provide guidance for Returning Officers on how they can comply with the new requirement. This is broadly in line with recent changes for UK Parliament and Scottish Parliamentary elections³.

15. The Electoral Commission's "Guidance for Returning Officers - Assistance with voting for disabled voters" includes a requirement that Returning Officer must provide a tactile voting devices which voters, who are visually impaired, can use to mark their vote on the ballot paper in the correct place⁴. The overall intention is to allow for more flexibility and to ensure that the accessibility support offered can be adapted and evolve to take account of future innovations.

16. The requirement for the Electoral Commission to consult on the "Guidance for Returning Officers - Assistance with voting for disabled voters", article 25(5C), is disapplied by articles 25(5E) and 25(5F) when the Commission has already consulted on and issued the same guidance to Returning Officers in relation to their duties at Scottish Parliament elections. Candidate nomination form (Form 2)

17. Section 2 of the Scottish Elections (Representation and Reform) Act 2025 amended Section 29 of the Local Government (Scotland) Act 1973 to allow foreign nationals who are at least 18 years old and resident in the UK and with any form of leave to remain to stand as candidates at local government elections.

18. As a consequence of this extension of the right to stand as a candidate, the declaration of a candidate's residential status on the candidate nomination form, Form 2 of the 2011 Order, has being amended to reflect the revised wording of Section 29 of the Local Government (Scotland) Act 1973.

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

19. The Scottish Ministers have made the following statement regarding children's rights. 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 certify that, in their view, the Scottish Local Government Elections Amendment Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

³ See section 9 of the Elections Act 2022 and rule 38 of the Scottish Parliamentary election rules, as amended by Article 14 of the Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2025:

<https://www.legislation.gov.uk/ssi/2025/313/contents/made>

⁴ [Guidance for Returning Officers - Assistance with voting for disabled voters | Electoral Commission](#)

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

Consultation

21. The Scottish Government's Electoral Reform Consultation ran between 14 December 2022 and 15 March 2023. The consultation requested views on a number of issues, including the provision of equipment at polling stations to support disabled voters.

22. 517 responses to the consultation were received, 94% from individuals, and 6% from organisations. The Scottish Government published an independent analysis of the consultation on 31 July 2023. Copies of the consultation, responses and the analysis are available on the Scottish Government's website.

23. Electoral Administrators, including Returning Officers and electoral registration officers, and other external stakeholders, such as the Royal National Institute of Blind People for Scotland and the Scottish Parliament Corporate Body, have been involved in discussions on relevant aspects of this Order.

24. As well as the general consultations, the following bodies and stakeholders were specifically consulted during the finalisation of the proposals included in the draft Order:

- Electoral Commission
- Electoral Management Board for Scotland
- Association of Electoral Administrators
- Electoral Registration Committee of the Scottish Assessors Association
- COSLA
- Scottish Parliament Political Parties Panel

25. The responses have helped informed the content of this Order.

26. In accordance with section 7(1) and (2)(j) of the Political Parties, Elections and Referendums Act 2000, the Scottish Ministers have consulted with the Electoral Commission during the drafting of this Order.

Impact Assessments

27. The Scottish Government has prepared a Child Rights and Wellbeing Impact Assessment (CRWIA). The CRWIA concludes that the overall impact of this Order on children's rights is both positive and neutral.

28. An Equalities Impact Assessment (EQIA) has been prepared, outlining the impacts on groups with protected characteristics. There is minimal differential impact on these groups, and where there are differences, the EQIA finds that there is a positive impact.

29. Electoral Registration Officers continue to be data controllers of the electoral register and related data. A Data Protection Impact Assessment (DPIA) has not been completed as there will be no change to the processing of personal data because of this Order.

30. The Scottish Government view is that this Order has no significant impact on data protection, the environment, fairness; island communities and therefore no impact assessments are required for those areas.

Business and Regulatory Impact Assessment (BRIA)

31. 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. The only regulatory impact of this Order is to require the Electoral Commission to publish updated forms and guidance as part of its normal work in supporting elections.

Financial Implications

32. Local authorities are responsible for meeting the cost of Local Government elections from within their overall budget. This Order is not expected to result in any significant increased costs.

33. Section 14A of the Political Parties, Elections and Referendums Act 2000 requires that the Scottish Parliament Corporate Body must reimburse the Commission which is attributable to the exercise of the Commission's devolved Scottish functions. The Scottish Government has discussed with the Electoral Commission the cost of providing guidance to support Returning Officers in conducting the requirement to provide assistive equipment. The Electoral Commission has indicated that it is of the view that the guidance which has already been prepared for Scottish Parliament election can also be used at local government elections and, therefore, it will not be subject to any additional costs when implementing this requirement.

**Scottish Government
Directorate for Constitution
September 2026**