

Absent Voting (Elections in Scotland and Wales) Act 2025

CHAPTER 27

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CHAPTER 27

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Absent Voting (Elections in Scotland and Wales) Act 2025

2025 CHAPTER 27

An Act to make provision about absent voting in connection with local government elections in Scotland and Wales, elections to the Scottish Parliament and elections to Senedd Cymru; and for connected purposes.

[27th October 2025]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Absent vote applications

1 Local government elections (Scotland and Wales)

(1) Schedule 2 to the Representation of the People Act 1983 (provisions which may be contained in regulations as to registration etc) is amended in accordance with subsections (2) and (3).

(2) In paragraph 1(5A)(a)(ii), omit the words from ", other" to the end.

(3) After paragraph 5ZA, insert—

"5ZB (1) Provision about the use of the UK digital service in relation to relevant devolved absent voting applications.

(2) Provision made under sub-paragraph (1) may include provision—

(a) conferring functions on a Minister of the Crown to enable relevant devolved absent voting applications to be submitted through the UK digital service;

(b) where such applications are, or are to be, so submitted—

(i) authorising a Minister of the Crown, in prescribed circumstances, to complete applications in part for people;

(ii) about how any requirement for an applicant to provide a signature in connection with an application may be satisfied;

(c) about the disclosure of prescribed information or evidence through the UK digital service;

(d) about the disclosure of prescribed information or evidence in connection with a relevant devolved absent voting application in relation to which the UK digital service is, or is to be, used.

(3) Except as provided by sub-paragraph (4), the disclosure or other processing of information in accordance with provision made under this paragraph does not breach—

(a) any obligation of confidence owed by the person processing the information;

(b) any other restriction on the processing of information (however imposed).

(4) Provision made under this paragraph does not require or authorise the disclosure or other processing of personal data that would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the duty imposed or the powers conferred by such provision).

(5) Regulations under this paragraph may, in connection with provision under sub-paragraph (1), include transitional provision under section 201(3) which makes provision for, or in connection with, the expiry of some or all devolved election proxy appointments.

(6) In this paragraph—

"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);

"devolved election proxy appointment" means the appointment of a person as a proxy to vote for another person at local government elections in Wales or Scotland, where the appointment was made before a date specified in the regulations on an application under paragraph 6(7) of Schedule 4 to the Representation of the People Act 2000;

"personal data" and "processing" have the same meaning as in the Data Protection Act 2018 (see section 3(2) and (4) of that Act);

"relevant devolved absent voting application" means an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000 in relation to a local government election, or local government elections, in Scotland or Wales;

"the UK digital service" has the meaning given by paragraph 3ZA(7), and a reference to a relevant devolved absent voting application submitted through the UK digital service is a reference to such an application submitted using that service as an intermediary."

(4) Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended in accordance with subsections (5) and (6).

(5) In paragraph 3 (absent vote at elections for a period)—

(a) in sub-paragraph (1)(b), omit the words from "and, in the" to the end;

(b) in sub-paragraph (1A), omit "in England";

(c) in sub-paragraph (4)(aa), omit "in England";

(d) in sub-paragraph (4)(ab)—

(i) omit sub-paragraph (i);

(ii) in the words after sub-paragraph (ii), omit "post or";

(e) in sub-paragraph (5)(ca), omit "in England";

(f) in sub-paragraph (5)(d), omit the words from "by post" to "or who applied to vote";

(g) in sub-paragraph (7), omit the words from "and, in the" to "the period";

(h) in sub-paragraph (7A), omit "in England".

(6) In paragraph 7 (voting as proxy)—

(a) in sub-paragraph (5)(c), omit the words from "and, in the" to the end;

(b) in sub-paragraph (5A), omit "in England";

(c) in sub-paragraph (6)—

(i) in paragraph (aa), omit "in England";

(ii) omit paragraph (ab) (but not the "and" at the end);

(d) in sub-paragraph (9)—

(i) at the end of paragraph (c), insert "or";

(ii) in paragraph (ca), omit "in England";

(iii) omit paragraph (d) and the "or" before it.

2 Elections to the Scottish Parliament

(1) The Scotland Act 1998 is amended as follows.

(2) After section 12A insert—

"12B Power to make provision about the use of the UK digital service for absent voting applications

(1) A Minister of the Crown or the Scottish Ministers may by regulations make provision about the use of the UK digital service in relation to absent voting applications.

(2) The provision that may be made under subsection (1) includes, in particular, provision—

(a) conferring functions on a Minister of the Crown to enable absent voting applications to be submitted through the UK digital service;

(b) where such applications are, or are to be, so submitted—

(i) authorising a Minister of the Crown, in prescribed circumstances, to complete applications in part for people;

(ii) about how any requirement for an applicant to provide a signature in connection with an application may be satisfied;

(c) about the disclosure of prescribed information or evidence through the UK digital service;

(d) about the disclosure of prescribed information or evidence in connection with an absent voting application in relation to which the UK digital service is, or is to be, used.

(3) Subject to subsection (4), the disclosure or other processing of information in accordance with provision made under this section does not breach—

(a) any obligation of confidence owed by the person processing the information;

(b) any other restriction on the processing of information (however imposed).

(4) Provision made under this section does not require or authorise the disclosure or other processing of personal data that would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the duty imposed or the powers conferred by such provision).

(5) The Scottish Ministers may not make regulations under this section without the agreement of a Minister of the Crown.

(6) In this section—

"absent voting application" means an application (including a partially completed application) to vote by post or proxy at an election for membership of the Parliament, or at elections for membership of the Parliament, in accordance with an order under section 12;

"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);

"personal data" and "processing" have the same meaning as in the Data Protection Act 2018 (see section 3(2) and (4) of that Act);

"prescribed" means prescribed by regulations made under this section;

"the UK digital service" means a digital service provided by a Minister of the Crown for the registration of electors, and a reference to an absent voting application submitted through the UK digital service is a reference to such an application submitted using that service as an intermediary."

(3) In section 113 (subordinate legislation: scope of powers), in subsection (1A), after "12" insert "or regulations under section 12B".

(4) In section 114 (subordinate legislation: particular provisions), in subsection (1), after "sections" insert "12B,".

(5) In Schedule 7 (procedure for subordinate legislation), in paragraph 1(2), in the appropriate place insert—

"Section 12B	Where the regulations are made by the Scottish Ministers: Type L Where the regulations are made by a Minister of the Crown: Type C".

3 Elections to Senedd Cymru

After section 13A of the Government of Wales Act 2006 insert—

"13B Power to make provision about the use of the UK digital service for absent voting applications

(1) A Minister of the Crown or the Welsh Ministers may by regulations make provision about the use of the UK digital service in relation to absent voting applications.

(2) The provision that may be made under subsection (1) includes, in particular, provision—

(a) conferring functions on a Minister of the Crown to enable absent voting applications to be submitted through the UK digital service;

(b) where such applications are, or are to be, so submitted—

(i) authorising a Minister of the Crown, in prescribed circumstances, to complete applications in part for people;

(ii) about how any requirement for an applicant to provide a signature in connection with an application may be satisfied;

(c) about the disclosure of prescribed information or evidence through the UK digital service;

(d) about the disclosure of prescribed information or evidence in connection with an absent voting application in relation to which the UK digital service is, or is to be, used.

(3) Subject to subsection (4), the disclosure or other processing of information in accordance with provision made under this section does not breach—

(a) any obligation of confidence owed by the person processing the information;

(b) any other restriction on the processing of information (however imposed).

(4) Provision made under this section does not require or authorise the disclosure or other processing of personal data that would contravene the data protection legislation (but in determining whether particular

processing of data would do so, take into account the duty imposed or the powers conferred by such provision).

(5) The Welsh Ministers may not make regulations under this section without the agreement of a Minister of the Crown.

(6) No regulations may be made under this section by a Minister of the Crown unless a draft of a statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.

(7) No regulations may be made under this section by the Welsh Ministers unless a draft of a statutory instrument containing them has been laid before, and approved by a resolution of, the Senedd.

(8) In this section—

"absent voting application" means an application (including a partially completed application) to vote by post or proxy at an election for membership of the Senedd, or at elections for membership of the Senedd, in accordance with an order under section 13;

"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);

"personal data" and "processing" have the same meaning as in the Data Protection Act 2018 (see section 3(2) and (4) of that Act);

"prescribed" means prescribed by regulations made under this section;

"the UK digital service" means a digital service provided by a Minister of the Crown for the registration of electors, and a reference to an absent voting application submitted through the UK digital service is a reference to such an application submitted using that service as an intermediary."

General

4 Commencement and transitional provision

(1) This Act comes into force on the day on which it is passed, subject to subsection (2).

(2) Section 1(4) to (6) comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.

(3) The Secretary of State may by regulations made by statutory instrument make such transitional or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.

(4) Regulations under subsection (3) may make provision for, or in connection with, the expiry of some or all devolved election postal vote entitlements.

(5) Regulations under subsection (3) that make provision for, or in connection with, the expiry of the devolved election postal vote entitlement of a person who also has a parliamentary election postal vote entitlement may make provision for the purpose of aligning the expiry of those entitlements (including provision specifying or changing the date on which either or both of those entitlements expire).

(6) In this section—

"devolved election postal vote entitlement" means an entitlement to vote by post (whether as elector or proxy) at local government elections in Wales or Scotland, where the entitlement was granted before the specified date on an application under paragraph 3(1) or 7(4)(a) of Schedule 4 to the Representation of the People Act 2000;

"parliamentary election postal vote entitlement" means an entitlement to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland, where the entitlement was granted before the specified date on an application under paragraph 3(1) or 7(4)(a) of Schedule 4 to the Representation of the People Act 2000;

"specified date" means the date specified in the regulations.

(7) Regulations under this section may make different provision for different purposes or areas.

5 Extent and short title

(1) This Act extends to England and Wales, Scotland and Northern Ireland.

(2) This Act may be cited as the Absent Voting (Elections in Scotland and Wales) Act 2025.

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