Draft Order laid before the Scottish Parliament under paragraphs 1 and 2 of schedule 7 of the Scotland Act 1998, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

REPRESENTATION OF THE PEOPLE

The Absent Voting at Scottish Parliament and Local Government Elections (Signature Refresh) (Miscellaneous Amendment) (Scotland) Order 2025

Made - - - -	*2025*
Coming into force - -	*1st December 2025*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1)(a) and 16(2) and (3) of the Local Governance (Scotland) Act 2004(**a**) and sections 12(1)(a) and 113(2), (3) and (5) of the Scotland Act 1998(**b**), and all other powers enabling them to do so.

In accordance with section 7(1) and (2)(g) and (j) of the Political Parties, Elections and Referendums Act 2000(**c**), the Scottish Ministers have consulted the Electoral Commission.

In accordance with paragraphs 1 and 2 of schedule 7 of the Scotland Act 1998(**d**), a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Absent Voting at Scottish Parliament and Local Government Elections (Signature Refresh) (Miscellaneous Amendment) (Scotland) Order 2025 and comes into force on 1 December 2025.

(**a**) 2004 asp 9; section 3 was relevantly amended by section 34(6) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and section 16(3) was amended by section 2(2)(a) of the Scottish Local Government (Elections) Act 2009 (asp 10).

(**b**) 1998 c. 46 ("the 1998 Act"). Section 12 was substituted by section 4(1) of the Scotland Act 2016 (c. 11). The powers in section 113(2) to (5) of the 1998 Act apply to the exercise of the Scottish Ministers' powers under section 12 by virtue of section 113(1A) of that Act, which was inserted by section 3 of the Scotland Act 2012 (c. 11) ("the 2012 Act").

(**c**) 2000 c. 41; section 7 was relevantly amended by section 12 of the Local Electoral Administration (Scotland) Act 2011 (asp 10), section 3(5) of the 2012 Act, paragraph 3(6) of schedule 6 of the Recall of MPs Act 2015 (c. 25).

(**d**) Schedule 7 was relevantly amended by section 3 of the 2012 Act. The powers to make this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and the Orders are subject to the affirmative procedure by virtue of section 33(3) of that Act.

Amendment of the Representation of the People (Scotland) Regulations 2001

2. After regulation 60A (requirement to provide fresh signatures at intervals) of the Representation of the People (Scotland) Regulations 2001(**a**) insert—

"Disapplication of January 2026 fresh signatures requirement

60AA. Where a registration officer would be required to send a person, who remains entitled to vote by post (whether as elector or proxy) or by proxy at local government elections in Scotland, a notice under regulation 60A(1) by 31 January 2026—

(a) that requirement does not apply (and the registration officer must send a notice under regulation 60A(1) by 31 January 2027),

(b) the absent voter does not, for that reason, cease to be entitled to vote by post or by proxy for a failure to provide a fresh signature, and

(c) no determination need be made, for that reason, under regulation 60A(6).".

Amendment of the Scottish Parliament (Elections etc.) Order 2015

3. After paragraph 14 of schedule 3 (requirement to provide fresh signatures at five yearly intervals) of the Scottish Parliament (Elections etc.) Order 2015(**b**) insert—

"Disapplication of January 2026 fresh signatures requirement

14A. Where an ERO would be required to send a person a notice under paragraph 14(1) by 31 January 2026—

(a) that requirement does not apply (and the ERO must send a notice under paragraph 14(1) by 31 January 2027),

(b) the absent voter does not, for that reason, cease to be entitled to vote by post or by proxy for a failure to provide a fresh signature, and

(c) no determination need be made, for that reason, under paragraph 14(6).".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
Date

(**a**) S.I. 2001/497 as relevantly amended by S.I. 2008/305, S.I. 2023/1147 and S.I. 2023/1406.
(**b**) S.S.I. 2015/425; to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Scottish Parliament (Elections etc.) Order 2015 ("the 2015 Order") and the Representation of the People (Scotland) Regulations 2001 ("the 2001 Regulations").

The 2015 Order sets out provisions relating to the conduct of elections for, and the return of members to, the Scottish Parliament. It applies where a postal or proxy vote is being or has been sought for an indefinite period or for a particular period, either solely in respect of Scottish parliamentary elections or jointly in respect of both Scottish parliamentary and local government elections in Scotland. The Order also applies where a postal or proxy vote is being or has been sought for a particular Scottish parliamentary election.

The 2001 Regulations apply to elections for membership of the House of Commons and to local government elections in Scotland. Part 4 of the 2001 Regulations supplements the provisions on absent voting contained in Schedule 4 of the Representation of the People Act 2000. The Regulations apply where a postal or proxy vote is being sought or has been sought in respect of UK parliamentary elections or for a particular UK parliamentary election. They also apply where a postal or proxy vote is being sought or has been sought in respect of UK parliamentary elections alongside local government elections in Scotland.

Article 2 of this Order inserts a new regulation 60AA into the 2001 Regulations. This temporarily disapplies the requirement in regulation 60A(1) of those Regulations for registration officers to send a notice requesting a fresh signature from any person entitled to vote by post or by proxy at local government elections in Scotland whose signature on record is more than 5 years old. This requirement is temporarily disapplied where the notice would otherwise require to be sent by 31 January 2026. The registration officer will instead be required to send the notice by 31 January 2027.

Article 3 inserts a new paragraph 14A into schedule 3 of the 2015 Order. This temporarily disapplies the requirement in paragraph 14(1) of that schedule for electoral registration officers to send a notice requesting a fresh signature from any person entitled to vote by post or proxy at Scottish parliamentary elections or at local government and Scottish parliamentary elections whose signature on record is more than 5 years old. This requirement is temporarily disapplied where the notice would otherwise require to be sent by 31 January 2026. The electoral registration officer will instead be required to send the notice by 31 January 2027.

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