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

2026 No.

CONSTITUTIONAL LAW

REPRESENTATION OF THE PEOPLE

The Absent Voting (Miscellaneous Amendment) (Scotland) Order 2026

Made - - - -	*2026*
Coming into force - -	*3rd November 2026*

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) and 113(2), (3), (4), (5) and (9A) 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 instrument has been laid before and approved by resolution of the Scottish Parliament.

(**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 relevantly amended by section 4(1) of the Scotland Act 2016 (c. 11). Section 113(2), (4), (5), (9A) and (9B) of the 1998 Act apply to the exercise of the Scottish Ministers' power to make an order 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"). Section 113(9A) and (9B) were inserted by section 39(2) of 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 Scotland Act 2012 (c. 11).

(**d**) Schedule 7 was relevantly amended by section 3(3) and (4) of the Scotland Act 2012 (c. 12). 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 this Order is subject to the affirmative procedure by virtue of section 33(3) of that Act.

PART 1

Introductory

Citation and commencement

1.—(1) This Order may be cited as the Absent Voting (Miscellaneous Amendment) (Scotland) Order 2026.

(2) This Order comes into force on 3 November 2026.

PART 2

Absent voting at local government elections

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

2. In regulation 60A(A1) (requirement to provide fresh signatures at intervals) of the Representation of the People (Scotland) Regulations 2001(**a**) omit "at a parliamentary election".

PART 3

Absent voting at Scottish parliamentary elections

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

3. The Scottish Parliament (Elections etc.) Order 2015(**b**) is amended in accordance with articles 4 to 12.

Interpretation

4. In article 2(1) (interpretation)—

(a) after the definition of "absent voter" insert—

> ""absent voting application" means an application (including a partially completed application) under article 8, 9, 10 or 11,",

(b) after the definition of "local authority" insert—

> ""maximum period" means the period specified in article 8(1A)(a) or article 11(4B)(a),".

Absent vote at Scottish parliamentary elections for an indefinite or a particular period

5. In article 8 (absent vote at Scottish parliamentary elections for an indefinite or a particular period)—

(a) in paragraph (1) omit "(in either case, whether for an indefinite period or for a particular period specified in the application)",

(b) after paragraph (1) insert—

(**a**) S.I. 2001/497; relevantly amended by S.I. 2008/305, S.I. 2023/1406 and S.I. 2023/1147.
(**b**) S.S.I. 2015/425; relevantly amended by paragraph 2(3) and (4) of the schedule of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6).

"(1A) Any grant of an application under paragraph (1) is to be for—

(a) the period ending with the third 31 January following the date on which the application is granted, or

(b) any shorter period specified in the application.",

(c) in paragraph (4)—

(i) omit sub-paragraph (a),

(ii) in sub-paragraph (b), after "post," insert "the periods for which they may do so and",

(iii) in sub-paragraph (c), after "proxy," insert "whether the applications were to vote by proxy for an indefinite period or a particular period (specifying that period), and",

(d) at the end of paragraph (5)(d) omit "or",

(e) in paragraph (5)(e) omit "post or",

(f) after paragraph (5)(e)—

(i) for the "." substitute ", or",

(ii) insert—

"(f) in the case of a person shown in the record as voting by post, once the period for which the person is entitled to vote by post has expired.",

(g) in paragraph (7) omit "(in either case, whether for an indefinite period or for a particular period)",

(h) after paragraph (7) insert—

"(7A) Paragraph (1A) applies to an application under paragraph (7) to vote by post, as it applies to an application under paragraph (1).",

(i) in the heading omit "for an indefinite or a particular period".

Voting as proxy

6. In article 11 (voting as proxy)—

(a) for paragraph (4) substitute—

"(4) Where a person applies to the ERO to vote by post as proxy—

(a) at Scottish parliamentary elections, or

(b) at a particular Scottish parliamentary election,

the ERO must grant the application if the conditions set out in paragraph (4A) are met.

(4A) The conditions are—

(a) the ERO is satisfied that the elector is or will be registered in the register of electors,

(b) there is an appointment of the applicant as the elector's proxy to vote for the elector in force,

(c) the application contains the applicant's signature and date of birth, and

(d) the application meets the requirements set out in schedule 3 (which makes provision in connection with absent voting).

(4B) Any application granted under paragraph (4)(a), is to be granted for—

(a) the period ending with the third 31 January following the date on which the application is granted, or

(b) any shorter period specified in the application.",

(b) for paragraph (5)(a) substitute—

"(a) the period for which they may vote by post as proxy, and",

(c) for paragraph (9)(b) substitute—

"(b) once the period for which the person is entitled to vote by post as proxy expires,".

Sending of applications, notices etc.

7. In article 87(3) (sending of applications, notices etc.), after "notice" insert ", relevant attestation under paragraph 9B(5) of schedule 3".

General requirements for applications

8. In paragraph 1 (general requirements for applications) of schedule 3 (absent voting)(**a**)—

(a) after sub-paragraph (1)(a) insert—

"(aa) the applicant's national insurance number or, if the applicant is unable to provide that information, the reason why they are unable to do so,",

(b) in sub-paragraph (5), for "11(4)" substitute "11(4)(b)",

(c) for sub-paragraph (6) substitute—

"(6) An application under article 8(1), 8(2), 10(6) or 11(4)(a) must specify whether it is for—

(a) an indefinite period,

(b) the maximum period, or

(c) the period specified in the application.".

Verification of information provided in an absent voting application

9. After paragraph 9A (verification of information provided in an absent voting application) of schedule 3(**b**) insert—

"Power to request additional evidence in relation to absent voting applications

9B.—(1) This paragraph applies where, upon receipt of an absent voting application, an ERO considers additional evidence is necessary to verify the identity of the applicant.

(2) The ERO may require that the applicant provide the ERO with a copy, or where the ERO considers it appropriate, the original, of one of the following documents—

(a) the applicant's passport,

(b) the applicant's identity card issued in the European Economic Area,

(**a**) There are amendments to paragraph 1 of schedule 3 that are not relevant to this Order.
(**b**) Paragraph 9A was inserted by S.S.I. 2026/XXX.

(c) the applicant's biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007(**a**),

(d) the applicant's electoral identity card issued in Northern Ireland,

(e) the applicant's photocard driving licence granted in the United Kingdom or driving licence granted by a Crown Dependency, which bears a photograph of the applicant.

(3) Where an applicant is not able to give one of the documents in sub-paragraph (2), the ERO may require that the applicant provide the ERO with a copy, or where the ERO considers it appropriate, the original, of—

(a) one of the following documents, which, except in relation to paragraph (vii) must have been issued in the United Kingdom or Crown Dependencies—

(i) the applicant's birth certificate,

(ii) the applicant's marriage or civil partnership certificate,

(iii) the applicant's adoption certificate,

(iv) the applicant's firearms certificate granted under the Firearms Act 1968(**b**),

(v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976(**c**) or Part 3 of the Criminal Procedure (Scotland) Act 1995(**d**),

(vi) the applicant's driving licence, which is not in the form of a photocard,

(vii) the applicant's driving licence granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom, and

(b) two other documents, each of which may be either from head (a) or from those mentioned in sub-paragraph (4)(a) to (e).

(4) Where the applicant is not able to provide documents in accordance with sub-paragraph (3), the ERO may require that the applicant provides the ERO with a copy, or where the ERO considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant's full name—

(a) a financial statement, including but not limited to—

(i) a mortgage statement,

(ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society,

(iii) a credit card statement,

(iv) a pension statement,

(b) a council tax demand letter or statement,

(c) a utility bill,

(d) a Form P45 or Form P60 issued to the applicant by their employer or former employer,

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(**a**) 2007 c. 30. Section 5 was amended by paragraph 19 of the schedule of the Identity Documents Act 2010 (c. 40).
(**b**) 1968 c. 27.
(**c**) 1976 c. 63. Section 5(1) was amended by paragraph 1(a) of schedule 3 of the Criminal Justice and Public Order Act 1994 (c. 33) and Part 12 of schedule 37 of the Criminal Justice Act 2003 (c. 44).
(**d**) 1995 c. 46.

(e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992(**a**), or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act(**b**).

(5) If the applicant is unable to provide the documentary evidence required under sub-paragraphs (2) to (4), the ERO may require that the applicant give an attestation which must—

(a) confirm that the applicant is the person named in the application,

(b) be in writing and signed by a qualifying attestor,

(c) state the qualifying attestor's full name, date of birth, occupation, residential address, and (if different) the address in respect of which the qualifying attestor is registered as an elector,

(d) state the qualifying attestor's electoral number,

(e) include an explanation as to the qualifying attestor's ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attestor's connection to the applicant and the length of time that connection has existed,

(f) include—

(i) an indication that the qualifying attestor is aware of article 27 (offences relating to applications for postal and proxy votes) of this Order, and

(ii) a declaration by the qualifying attestor that all information provided in the attestation is true, and

(g) state the date on which it is made.

(6) In sub-paragraph (5), a "qualifying attestor" is a person—

(a) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,

(b) who is registered as an elector in a local authority area in Scotland,

(c) whom the ERO is satisfied is of good standing in the community, and

(d) who has not already signed a relevant identity attestation for two other applicants since whichever is the later—

(i) the date on which the revised register in which the qualifying attestor's name appears was last published under section 13(1) of the 1983 Act(**c**),

(ii) the date on which a notice specifying the qualifying attestor's entry in the register was issued under section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued)(**d**).

(**a**) 1992 c. 4. Section 141 was amended by section 1(1) of the Child Benefit Act 2005 (c. 6).

(**b**) Section 130 was amended by paragraph 3 of schedule 9 of the Local Government Finance Act 1992 (c. 14), schedule 19 of the Housing Act 1996 (c. 52), paragraph 1(3) of schedule 5 and paragraph 1 of schedule 8 of the Welfare Reform Act 2007 (c. 5) and paragraph 1 of schedule 14 of the Welfare Reform Act 2012 (c. 5).

(**c**) Section 13(1) was relevantly amended by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(**d**) Sections 13A and 13B were inserted by paragraph 6 of schedule 1 of the Representation of the People Act 2000 (c. 2). Section 13A(2) was amended by paragraph 4(3) of schedule 4 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) ("the 2006 Act"). Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6) ("the 2013 Act"). Section 13B was amended by section 11 of the Electoral Administration Act 2006 (c. 22), section 6 of the 2006 Act, paragraph 3 of schedule 10 of the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 13 of schedule 4 of the 2013 Act, paragraph 5 of schedule 2 of the Recall of MPs Act 2015 (c. 25) ("the 2015 Act") and S.I. 2018/1310. Section 13BC was inserted by paragraph 7 of schedule 2 of the 2015 Act.

(7) In sub-paragraph (6)(d), a "relevant identity attestation" is an attestation provided in accordance with—

(a) sub-paragraph (5),

(b) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (England and Wales) Regulations 2001(**a**),

(c) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (Scotland) Regulations 2001(**b**),

(d) regulation 11B(5) of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007(**c**),

(e) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008(**d**),

(f) paragraph 16C(5) of schedule 2 of the Police and Crime Commissioner Elections Order 2012(**e**),

(g) regulation 72B(5A) or (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016(**f**),

(h) regulation 7(6) of the Voter Identification Regulations 2022(**g**),

(i) paragraph 11B(5) of schedule 1 of the Senedd Cymru (Representation of the People) Order 2025(**h**).

(8) Sub-paragraphs (2) to (5) do not apply where the applicant is registered, or has applied to be registered, in the register of local government electors in Scotland in pursuance of any of the following declarations—

(a) a service declaration on the grounds that the applicant is a Crown servant or the spouse or civil partner of a Crown Servant,

(b) a service declaration on the grounds that the applicant is a member of the forces,

(c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces.

(9) In the case of an application to which sub-paragraph (8)(a) or (c) applies, the ERO may require that the applicant give them a copy, or where the ERO considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the forces, who is not the applicant's spouse or civil partner—

(a) the applicant's passport,

(b) the applicant's identity card issued in the European Economic Area.

(10) In the case of an application to which sub-paragraph (8)(b) applies, the ERO may require that the applicant give an attestation which must—

(a) confirm that the applicant is the person named in the application,

(b) be in writing and signed by an officer of the forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,

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(**a**) S.I. 2001/341; relevantly amended by S.I. 2013/3198, S.I. 2016/694, S.I. 2018/312, S.I. 2023/1147 and S.I. 2023/1406.
(**b**) S.I. 2001/497; relevantly amended by S.I. 2013/3206, S.I. 2017/604, S.I. 2023/1406 and S.I. 2023/1147.
(**c**) S.S.I. 2007/170; relevantly amended by S.S.I 2026/XXX.
(**d**) S.I. 2008/1741; relevantly amended by S.I. 2024/43.
(**e**) S.I. 2012/1917; relevantly amended by S.I. 2023/1147 and S.I. 2023/1406.
(**f**) S.I. 2016/295; relevantly amended by S.I. 2023/1147 and S.I. 2023/1406.
(**g**) S.I. 2022/1382; to which there are amendments not relevant to these Regulations.
(**h**) S.I. 2025/864 (W. 150); relevantly amended by S.I. 2026/XXX.

(c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve, and

(d) state the date on which it is made.

(11) A document or attestation provided in accordance with this paragraph may be transmitted by an applicant by electronic means.

(12) In this paragraph—

"Crown Dependency" means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man,

"member of the forces" has the same meaning as in section 59(1) of the 1983 Act(**a**),

"officer of the forces" means a member of the forces who is an officer.

(13) This paragraph does not apply in relation to an application under article 9(2)—

(a) which is received by the ERO after 5 pm on the sixth day before the date of the poll at the election for which it is made, and

(b) where paragraph 9(4) or (4E) applies.

Processing of information provided in connection with an absent voting application

9C.—(1) If a person provides an original document under paragraph 9B, the ERO must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any absent voting application, until the application has been determined the ERO must retain—

(a) the application form,

(b) any other information or documents provided to the ERO in connection with the application or, in the case of original documents returned under sub-paragraph (1), a copy of those documents.

(3) Subject to sub-paragraph (4), the ERO may retain the application form, information and documents in sub-paragraph (2) after the application has been determined but, if they do so, must delete the applicant's national insurance number from the application form, information and documents in sub-paragraph (2) by no later than the date which is 13 months from the date on which the ERO determined the absent voting application.

(4) The requirement to delete the national insurance number in sub-paragraph (3) does not apply where the application, information and documents in sub-paragraph (2) are required for the purpose of any civil or criminal proceedings.

(5) Information disclosed under paragraph 9A must not be disclosed to any other person, except for the purposes of—

(a) determining the absent voting application in connection with which the information was disclosed,

(b) any civil or criminal proceedings.

(6) A person who discloses information in breach of sub-paragraph (5) is guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine (or both),

(**a**) Section 59(1) was relevantly amended by section 1 of the Representation of the People Act 1993 (c. 29).

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum (or both).

(7) Any information disclosed under paragraph 9A must be processed in accordance with any requirements as to the processing of information that may have been imposed by the Secretary of State for Housing, Communities and Local Government in writing in advance of that processing, including requirements as to the transfer, storage, destruction and security of that information.

(8) In this paragraph, "copy" includes an electronic copy.".

Grant or refusal of applications for a postal or proxy vote

10. In paragraph 10 (grant or refusal of applications for a postal or proxy vote) of schedule 3—

(a) after sub-paragraph (1), insert—

"(1A) Where the ERO grants an application to vote by post, the notification under sub-paragraph (1) must include—

(a) where the postal vote entitlement is for a particular election, the date of the poll for which the elector's entitlement to vote by post has been granted,

(b) otherwise, the date on which the elector's entitlement to vote by post ends.",

(b) after sub-paragraph (7) insert—

"(7A) Sub-paragraphs (7B) to (7D) apply where—

(a) an application has been made under article 8, 9 or 11, and

(b) either—

(i) paragraph 4(1) applies to that application, or would have applied if sub-paragraph (4) of that paragraph were ignored, or

(ii) paragraph 4(2) applies to that application, or would have applied if sub-paragraph (4) of that paragraph were ignored.

(7B) A notification under sub-paragraph (1) to one of the following types of applicants must also include a statement that ballot papers will be sent to the postal ballot delivery address—

(a) an applicant registered in pursuance of a service declaration,

(b) an applicant registered in pursuance of a local connection (within the meaning of section 7B of the 1983 Act(**a**)),

(c) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act(**b**)),

(d) an applicant who has an anonymous entry.

(7C) Where heads (a) to (d) of sub-paragraph (7B) do not apply to the applicant, the ERO must, in addition to notifying the applicant in accordance with sub-paragraphs (1), (4) or (5), notify the applicant in writing that—

(a) the application has been granted, refused or disregarded, and

(**a**) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2) and relevantly amended by section 8(2), (3) and (4) of the Scottish Elections (Reduction of Age) Act 2015 (asp 7), sections 1(4)(a) and (b) and 8(2) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6), S.I. 2007/1388 and S.S.I. 2025/313.

(**b**) Section 6 was amended by paragraph 2 of schedule 1 of the Representation of the People Act 2000 (c. 2).

(b) where the application has been granted, ballot papers will be sent to the postal ballot delivery address.

(7D) A notification under sub-paragraph (7C) must be delivered to—

(a) where sub-paragraph (7A)(b)(ii) applies and the notification is to be delivered to a person shown as voting by post in the record kept under article 9(5)(a), the address shown in that record,

(b) otherwise—

(i) the address stated in the application in accordance with paragraph 1(1)(b), or

(ii) the proxy's address stated in the application in accordance with paragraph 1(1)(c).

(7E) In sub-paragraph (7B) "service declaration" has the same meaning as in section 202(1) of the 1983 Act(**a**).

(7F) In sub-paragraphs (7B) and (7C) the "postal ballot delivery address" means—

(a) where sub-paragraph (7A)(b)(i) applies, the different address described in paragraph 4(1),

(b) where sub-paragraph (7A)(b)(ii) applies, the address stated in the application in accordance with paragraph 1(1)(e).".

Notification that postal vote entitlement is to end

11. After paragraph 13 (inquiries by registration officer about postal and proxy voters) of schedule 3, insert—

"Requirement to notify certain electors and proxies that postal vote entitlement is to end

13A.—(1) This paragraph applies in respect of an elector or proxy who remains entitled to vote by post at a Scottish parliamentary election or at local government and Scottish parliamentary elections by virtue of an entitlement which was granted for the maximum period ("the relevant person").

(2) Before the end of the maximum period, the ERO must send to the relevant person—

(a) a notice informing the relevant person of the date on which the relevant person's entitlement to vote by post is to end, and

(b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy).".

Requirement to provide fresh signatures at five yearly intervals

12. In paragraph 14 (requirement to provide fresh signatures at five yearly intervals) of schedule 3, before sub-paragraph (1), insert—

"(A1) This paragraph does not apply to an elector or proxy so far as that elector or proxy remains entitled to vote by post at a Scottish parliamentary election or at local government and Scottish parliamentary elections.".

(**a**) Section 202(1) was relevantly amended by paragraph 3 of schedule 4 of the Elections Act 2022.

PART 4

Transitional arrangements

Definitions

13. In this Part—

"the 2000 Act" means the Representation of the People Act 2000(**a**),

"the 2015 Order" means the Scottish Parliament (Elections etc.) Order 2015(**b**),

"ERO" means an electoral registration officer within the meaning of the Representation of the People 1983 Act(**c**),

"paragraph 14 notice" means a notice under paragraph 14 (requirement to provide fresh signatures at five yearly intervals) of schedule 3 (absent voting) of the 2015 Order,

"qualifying address" means the address at which the elector is registered in the register of local government electors, maintained under section 9(1)(b) of the Representation of the People Act 1983(**d**),

"relevant day" means 3 November 2026,

"relevant devolved absent voting application" means an application, including a partially completed application under article 8, 9, 10 or 11 of the 2015 Order(**e**).

"relevant devolved election postal vote entitlement" means an entitlement, granted before the relevant day, to vote—

(a) by post as a proxy where the entitlement was granted at Scottish parliamentary elections, on an application under article 11(4) (voting as proxy) of the 2015 Order, where the proxy does not have a reserved postal proxy entitlement, or

(b) by post where the entitlement was granted at Scottish parliamentary elections, or local government and Scottish parliamentary elections, on an application under article 8(1) (absent vote at Scottish parliamentary elections) of the 2015 Order,

"reserved expiry date" means the date on which P's reserved postal vote entitlement, if P has one, ends, in accordance with paragraph 3(1A) (absent vote at elections for a period) of schedule 4 (absent voting in Great Britain) of the 2000 Act(**f**),

"reserved postal proxy entitlement" means an entitlement to vote by post, as proxy, at parliamentary elections, or a parliamentary election, in Scotland, where the entitlement was granted before the relevant day on an application under paragraph 7(4)(a) (voting as proxy) of schedule 4 of the 2000 Act(**g**),

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(**a**) 2000 c. 2.
(**b**) S.S.I. 2015/425.
(**c**) 1983 c. 2 ("the 1983 Act"). Electoral registration officers are appointed under section 8 of the 1983 Act. In terms of section 8(1) they are referred to as "registration officers" in the 1983 Act.
(**d**) Section 9 was substituted by paragraph 3 of schedule 1 of the Representation of the People Act 2000 (c. 2).
(**e**) S.S.I. 2015/425; relevantly amended by paragraph 2(3) and (4) of the schedule of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6).
(**f**) Paragraph 3(1A) was inserted by paragraph 2(3) of schedule 3 the Elections Act 2022 (c. 37).
(**g**) Paragraph 7(4)(a) was amended by paragraph 3(2) of schedule 3 of the Elections Act 2022 (c. 37).

"reserved postal vote entitlement" means an entitlement to vote by post at UK Parliamentary elections in Scotland, where the entitlement was granted before the relevant day on an application under paragraphs 3(1) or 3(7) of schedule 4 of the 2000 Act(**a**),

"signature refresh date" means the 31 January by which the registration officer would be required to send P a paragraph 14 notice assuming there has been no change in the person's entitlement or entitlements to vote by post or by proxy after the relevant day, and disregarding paragraph 5 and the amendment made by article 12 of this Order,

"transitional expiry date" means—

(a) the third 31 January following the relevant day, or

(b) if sooner, the signature refresh date for the relevant devolved election postal vote entitlement.

Devolved absent voting applications not determined by the relevant day

14.—(1) A relevant devolved absent voting application that is made before, but not determined by, the relevant day is to be treated as not having been made.

(2) Where in accordance with paragraph (1), a person's application is treated as not having been made, the ERO must, as soon as practicable after the relevant day, send that person information on how to make a fresh devolved absent voting application.

Expiry of certain devolved postal vote entitlements

15.—(1) This article applies where, immediately before the relevant day a person ("P") has a relevant devolved election postal vote entitlement lasting for—

(a) an indefinite period, or

(b) a period that would expire after the third 31 January following the relevant day.

(2) Unless it ends sooner, P's relevant devolved election postal vote entitlement ends on—

(a) the transitional expiry date, or

(b) if applicable and later the reserved expiry date.

(3) As soon as practicable after the relevant day, the ERO must update—

(a) the records, as applicable to P, kept under article 8(4) or 11(5) of the 2015 Order,

(b) the postal voters list or the proxy postal voters list, as applicable to P, kept under article 8(5) or 11(7) of the 2015 Order,

to reflect any change in the period for which P's relevant devolved election postal vote entitlement lasts due to the operation of paragraph (2).

(4) Before the date on which P's relevant devolved election postal vote entitlement is to end due to the operation of paragraph (2), the ERO must send P, at P's qualifying address—

(a) a notice informing P of the date on which P's relevant devolved election postal vote entitlement is to end, and

(b) information about how to make a fresh application to vote by post (as elector or as proxy).

(**a**) Paragraph 3(1) was amended by section 14(1)(a) of the Electoral Administration Act 2006 (c. 22) and paragraph 2(2) of schedule 3 of the Elections Act 2022 (c. 37) ("the 2022 Act"). Paragraph 3(7) was amended by paragraph 2(6) of schedule 3 of the 2022 Act.

(5) Where, due to the operation of paragraph (2), P's relevant devolved election postal vote entitlement is to end on the signature refresh date any requirement to send a paragraph 14 notice by the signature refresh date does not apply.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision relating to absent voting applications in Scottish parliamentary elections and local government elections in Scotland and restricting the period for which a person can apply for a postal vote for Scottish parliamentary elections or for local government and Scottish parliamentary elections under the Scottish Parliament (Elections etc.) Order 2015 ("the 2015 Order").

Part 2 amends the Representation of the People (Scotland) Regulations 2001 to remove the five-yearly signature refresh requirement for electors and proxies who remain entitled to vote by post in Scottish local government elections.

Part 3 amends the 2015 Order in relation to absent voting applications at Scottish parliamentary elections.

Articles 4 and 5 provide that the maximum period for which an application to vote by post for Scottish parliamentary elections or local government and Scottish parliamentary elections is 3 years. Article 6 limits the maximum period within which a person can apply to vote by post as proxy to 3 years.

Article 7 allows relevant attestations for absent voting applications to be submitted electronically. A relevant attestation is a statement by an eligible person confirming the applicant's identity when the applicant cannot provide the required documents for identity verification.

Article 8 requires absent voting applications under the 2015 Order to include the applicant's national insurance number or an explanation for its absence, and for relevant applications to state the period for which they are made.

Article 9 amends schedule 3 of the 2015 Order by adding paragraphs 9B, and 9C. Paragraph 9B enables registration officers to request additional evidence to confirm an applicant's identity. Paragraph 9C sets out provisions for processing information related to absent voting applications.

Articles 10 to 12 amend schedule 3 of the 2015 Order to reflect changes to the postal voting period for Scottish parliamentary elections and local government and Scottish parliamentary elections granted under the Order. Registration officers must include the date on which an applicant's postal voting entitlement ends when notifying them that their application has been granted, send additional notifications in certain circumstances, and inform electors and proxies with a postal vote entitlement for the maximum period of the date that entitlement ends, together with information on how to make a fresh application. The requirement to provide signatures at five-year intervals no longer applies to electors or proxies who remain entitled to vote by post.

Part 4 of this Order (articles 13 to 15) contains transitional provision to reflect the changes to the postal voting period.

Article 14 provides that a devolved absent voting application made under the 2015 Order before, but not determined by, 3 November 2026 ("the relevant day"), is to be treated as not having been made.

Article 15 provides transitional arrangements for existing postal votes for Scottish parliamentary elections or local government and Scottish parliamentary elections when the new maximum application period comes into force. Voters who, immediately before the relevant date, have an

indefinite postal vote or one ending after the third 31 January following the relevant day may continue voting by post until the later of (a) the third 31 January after the relevant day or the signature refresh date (if sooner), or (b) the date on which the voter's reserved postal vote entitlement, if they have one, ends. The signature refresh date is the 31 January by which a new signature would ordinarily be requested if the one on record is over five years old, but this notice will not be required. Before entitlement ends, registration officers must notify voters of the expiry date and explain how to reapply. Article 14 only applies to postal by proxy votes at Scottish Parliamentary elections where the proxy does not also have a postal by proxy vote for UK Parliamentary elections in Scotland.

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