Draft Regulations laid before the Scottish Parliament under section 201(2) of the Representation of the People Act 1983 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026

Made - - - -	*2026*
Coming into force - -	*2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 53(1)(c) and (3) and 201(3) and paragraph 12 of schedule 2 of the Representation of the People Act 1983(**a**) ("the 1983 Act") and all other powers enabling them to do so.

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

In accordance with section 201(2) of the 1983 Act(**c**), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and transitional provision

1.—(1) These Regulations may be cited as the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 and come into force on the day after the day on which they are made.

(2) These Regulations have no effect for the purposes of any election for which the date of the poll is on or before 5 May 2027.

(**a**) 1983 c. 2. Section 53(3) was amended by paragraph 13(b) of schedule 4 of the Representation of the People Act 1985 (c. 50). Section 201(3) was added by paragraph 21 of schedule 1 of the Representation of the People Act 2000 (c. 2) ("the 2000 Act") and amended by paragraph 6(7)(d) of schedule 21 of the Political Parties, Elections and Referendums Act 2000 (c. 41). Paragraph 12 of schedule 2 was amended by paragraph 11(3) of schedule 6 of the 2000 Act and paragraph 94 of schedule 1 of the Electoral Administration Act 2006 (c. 22). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) 2000 c. 41.

(**c**) Section 201(2) was substituted by paragraph 69 of schedule 4 of the Representation of the People Act 1985 (c. 50) and relevantly amended by S.I. 1991/1728, paragraph 6(7)(b) of schedule 21 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13).

Amendment of the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007

2.—(1) The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007(**a**) are amended as follows.

(2) In regulation 15(3) (spoilt postal ballot papers)(**b**), for "10 p.m." substitute "5 p.m.".

(3) In regulation 16 (lost ballot papers)(**c**)—

(a) in paragraph (2), for "10 p.m." substitute "5 p.m.",

(b) in paragraph (6), for "10 p.m." substitute "5 p.m.".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007.

Regulation 2 changes the time limit on the day of the poll by which voters utilising a postal vote for local government elections may request a replacement of a spoilt or lost ballot paper. The time limits are changed from 10 p.m. to 5 p.m., reversing the changes made by S.S.I. 2021/436.

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(**a**) S.S.I. 2007/263, relevantly amended by S.S.I. 2016/353 and S.S.I. 2021/436.
(**b**) Regulation 15(3) was amended by S.S.I. 2021/436.
(**c**) Regulation 16 was amended by S.S.I. 2016/353 and S.S.I. 2021/436.

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