POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (POSTAL VOTING FOR LOCAL GOVERNMENT ELECTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/353

1. The above instrument, if approved, will be made by Scottish Ministers in exercise of the powers conferred by section 53(1)(c) and (3) and schedule 2 of the Representation of the Peoples Act 1983. The instrument is subject to affirmative resolution procedure.

Policy Objectives

2. The purpose of the instrument is to amend the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 ("the 2007 Regulations"). The changes will bring the rules for local government elections into line with the rules used for the Scottish Parliament elections in time for the election of members of Scottish local authorities in May 2017.

3. The instrument updates the rules and procedures used when issuing and cancelling postal ballot papers and the forwarding of a rejected ballot paper list. The main changes are as follows:

- A new regulation 9 of the 2007 Regulations is substituted so that postal ballot papers and postal ballot paper statements are to be issued as soon as possible by returning officers.

- Regulation 16 of the 2007 Regulations is amended so as to provide a deadline of 5pm on the day of the poll for the replacement of lost or not received postal votes – bringing it in line with the rules for replacement of a spoilt postal ballot paper. The amended regulation also allows for lost or stolen postal ballot papers to be replaced at any time rather than after the fourth day before polling day.

Consultation

4. The following bodies and stakeholders have been consulted during the preparation of the instrument:

Electoral Management Board for Scotland
Society of Local Authority Lawyers and Administrators
Association of Electoral Administrators
Electoral Registration Committee of the Scottish Assessors Association
Scottish Parliament Political Parties Panel
Scotland Electoral Reform Society
Inclusion Scotland
1in5
Disability Agenda Scotland

Cosla
Scottish Local Government Partnership
Society of Local Authority Chief Executives (SOLACE)
Society of Local Authority Lawyers and Administrators (SOLAR)
Scottish Disability Equality Forum
Equality and Human Rights Commission Scotland
The Electoral Commission

Responses

5. The following organisations submitted responses

Scottish Labour Party
Electoral Registration Committee of the Scottish Assessors Association
Society of Local Authority Lawyers and Administrators (SOLAR)
The Electoral Commission
Councillor Andrew Burns on behalf of the City of Edinburgh Council
Scott Martin, Solicitor, SNP

Impact Assessments

6. A Business Regularity Impact Assessment is deemed not be required in this instance as policy changes will not lead to costs or savings for business, third or public sector organisations, regulators or consumers. There is no additional cost on the public sector as the Scottish Government would continue to meet the costs of associated activity whether or not it was in the legislation and there is no transfer of costs or benefits from one group to another.

7. The Regulations have no impact on the equality, environment, privacy or children's rights and therefore no impact assessments are required for those areas.

Financial Effects

8. Local authorities are responsible for meeting the cost of local government elections from within their overall budget.

9. The instrument has no financial effects on business.

Scottish Government
Strategy and Constitution Directorate

September 2016