# POLICY NOTE

# THE REPRESENTATION OF THE PEOPLE (POSTAL VOTING FOR LOCAL GOVERNMENT ELECTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2026

## SSI 2026/317

The above instrument was made 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 and all other powers enabling the Scottish Ministers to do so.

The instrument is subject to *affirmative procedure*.

**Summary Box**

**Purpose of the instrument.**

These Regulations update the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007. They amend the deadline for an elector to seek a replacement for a spoilt or lost ballot paper from 10pm to 5pm on the day of poll. These changes will apply to all Scottish local government elections which take place on or after 6 May 2027.

**Policy Objectives**

1. The purpose of this instrument is to amend the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 (the "2007 Regulations") to reflect changes to the rules and procedures for the running of Local Government elections in Scotland. The changes are set out in more detail below.

2. In terms of section 5 of the Local Government etc. (Scotland) Act 1994 (as amended by the Scottish Elections (Dates) Act 2016), the next ordinary Local Government election is scheduled to take place on 6 May 2027.

3. If approved, these Regulations will apply to any election for which the date of the poll is on or after 6 May 2027.

4. Most of the rules which governed the running of absent voting at the ordinary local government election held in May 2022 will remain the same, however this instrument makes a change which reflect developments since the last election.

5. In addition to these Regulations, the Scottish Local Government Elections Amendment Order 2026, the Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026 and the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2026 will make further changes to the rules for the running of local government elections in Scotland.

6. Following representations from returning officers about the practical difficulties associated with being required to make provision for the issuing of replacement postal ballot packs up to 10pm on the day of poll, the Government has agreed that the deadline for issuing replacements for lost or spoilt postal ballot packs should be brought forward to 5pm on the day of poll. This change reflects that few, if any, replacement ballot packs are requested between 5pm and 10pm on the day of poll. It also allows for more consistent messaging to voters by aligning the deadline for replacement postal ballot packs with that for requesting an emergency proxy.

7. These changes bring practice for Local Government elections into line with that at Scottish Parliament elections by standardising on a 5pm deadline for replacement of spoilt or lost postal ballot papers. The changes set out in these Regulations are as follows:

**Amendment of the deadline for applying for a replacement for a spoilt postal ballot paper**
(Regulation 2(2))

8. The existing deadline for applying for a replacement for a spoilt postal ballot paper, as set out in Regulation 15 of the 2007 Regulations, is 10pm on the day of poll. This Regulation amends that deadline to 5pm on the day of poll.

**Amendment of the deadline for applying for a replacement for a lost postal ballot paper**
(Regulation 2(3))

9. The existing deadline for applying for a replacement for a lost postal ballot paper, as set out in Regulation 16 of the 2007 Regulations, is 10pm on the day of poll. This Regulation amends that deadline to 5pm on the day of poll.

## UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

10. The Scottish Ministers have made the following statement regarding children's rights.

> In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

## EU Alignment Consideration

11. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

## Consultation

12. The Scottish Government's Electoral Reform Consultation ran between 14 December 2022 and 15 March 2023. The consultation requested views on a number of issues, including the deadline for replacing lost and spoilt postal ballot papers.

13. 517 responses to the consultation were received, 94% from individuals, and 6% from organisations. The Scottish Government published an independent analysis of the consultation on 31 July 2023. Copies of the consultation, responses and the analysis are available on the Scottish Government's website.

14. Electoral Administrators, including returning officers and Electoral Registration Officers, and other external stakeholders have been involved in discussions on relevant aspects of these Regulations.

15. As well as the general consultations, the following bodies and stakeholders were specifically consulted during the finalisation of the draft Regulations:

    - Electoral Commission
    - Electoral Management Board for Scotland
    - Association of Electoral Administrators
    - Electoral Registration Committee of the Scottish Assessors Association
    - COSLA
    - Scottish Parliament Political Parties Panel

16. The responses to these consultations have helped informed the content of these Regulations.

17. In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000, the Scottish Ministers have consulted with the Electoral Commission during the drafting of these Regulations.

**Impact Assessments**

18. The Scottish Government has prepared a Child Rights and Wellbeing Impact Assessment (CRWIA). The CRWIA concludes that the overall impact of these Regulations on children's rights is neutral.

19. An equality impact assessment (EQIA) has been produced for the instruments laid ahead of the 2027 Scottish Local Government elections. It will be published alongside the SSIs when they are laid before Parliament.

20. The Scottish Government view is that these Regulations have no significant impact on data protection, the environment, fairness; island communities and therefore no impact assessments are required for those areas.

**Business and Regulatory Impact Assessment (BRIA)**

21. The Minister for Parliamentary Business confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

**Financial Implications**

22. Local authorities are responsible for meeting the cost of Local Government elections from within their overall budget. These Regulations are not expected to result in any increased costs.

**Scottish Government**
**Directorate for Constitution**

September 2026