POLICY NOTE

THE SCOTTISH ELECTIONS (REPRESENTATION AND REFORM) ACT 2025 (STATUTORY GUIDANCE ON IMPRINTS ON ELECTRONIC MATERIALS) (APPOINTED DATE) REGULATIONS 2025

SSI 2025/289

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 58(9)(b) of the Scottish Elections (Representation and Reform) Act 2025 ("the 2025 Act")[1].

The instrument is not subject to parliamentary procedure.

Purpose of the instrument

Statutory guidance has been prepared by the Electoral Commission for people producing online election campaign material. These Regulations set 17 November 2025 as the date from which that guidance will come into force.

Policy Objectives

1. Part 8 of the 2025 Act contains provisions promoting further transparency at Scottish Parliament elections and local government elections in Scotland. It requires certain unpaid-for electronic campaigning material for Scottish elections which is promoted by or published on behalf of "relevant third party" organisations to display an imprint with the name and address of the promoter and of any other person on behalf of whom the material is being published.

2. The term "digital imprint" is often used to mean required identification information added to digital campaigning material.

3. The statutory guidance which these Regulations will bring into force is a requirement of section 58(1) of the 2025 Act. The guidance concerns the operation of duties on certain campaigners under Part 8 of the 2025 Act and the exercise of the Electoral Commission's functions in relation to breaches or suspected breaches of those duties. It is intended to assist campaigners to whom Part 8 of the 2025 Act applies to comply with these duties.

4. A draft of the statutory guidance was approved by the Scottish Ministers and laid before the Scottish Parliament on 16 September 2025. Under section 58 of the 2025 Act, the Scottish Parliament has 40 days (excluding days in which Parliament is in recess or dissolved) to consider the draft guidance. Within the consideration period, the Parliament may resolve not to approve the draft guidance. If such a resolution is passed, the guidance cannot come into force in its present form. If a resolution not approving the guidance were passed, these Regulations must be revoked to prevent the guidance from coming into force.

[1] https://www.legislation.gov.uk/asp/2025/4/contents

5. These Regulations appoint 17 November 2025 as the date on which the statutory guidance comes into force. This ensures that the guidance is in place in advance of the 2026 Scottish Parliament election campaign period.

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

6. 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 Scottish Elections (Representation and Reform) Act 2025 (Statutory Guidance on Imprints on Electronic Materials) (Appointed Date) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation

8. The Electoral Commission held a consultation on this guidance until 13 June 2025[2].

9. Further information on the consultation proceeding the 2025 Act, which ran from 14 December 2022 to 15 March 2023 is available on the Scottish Government website[3].

Impact Assessments

10. The Scottish Government has prepared a Child Rights and Wellbeing Impact Assessment (CRWIA). The CRWIA notes that the guidance introduces no new legal requirements and is intended only to support compliance with Part 8 of the 2025 Act. Following the guidance is not mandatory. It therefore has no impact on children's rights or wellbeing.

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[2] https://www.electoralcommission.org.uk/news-and-views/our-consultations/consultation-draft-statutory-guidance-digital-imprints-non-party-campaigners-scotland

[3] https://www.gov.scot/publications/scottish-government-response-results-electoral-reform-consultation-2022-23/

11. An Equalities Impact Assessment (EQIA) was prepared for the Bill which proceeded the 2025 Act[4]. This describes the overall policy relation to Part 8 of the Act.

12. The Scottish Government view is that these Regulations has 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)

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

Financial Implications

14. There are no specific significant costs associated with the changes made in these Regulations.

Scottish Government
Directorate for Constitution
October 2025

[4] https://www.gov.scot/publications/scottish-elections-representation-reform-bill-equality-impact-assessment-results/