POLICY NOTE

THE SCOTTISH PARLIAMENT ELECTIONS (REGIONAL RETURNING OFFICERS AND CONSTITUENCY RETURNING OFFICERS) ORDER 2025

SSI 2025/287

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(6) of the Scotland Act 1998 ("the 1998 Act") and article 14(b) of the Scottish Parliament (Elections etc.) Order 2015 ("the 2015 Order") (S.S.I. 2015/425) and all other powers enabling them to do so.

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

This Order is not subject to Parliamentary procedure.

Purpose of the instrument.

This Order will designate regional returning officers for each of the Scottish Parliamentary electoral regions, and directs the constituency returning officers for Scottish Parliamentary constituencies which are situated in more than one local authority area.

The Order will also revoke the Scottish Parliament Elections (Regional Returning Officers and Constituency Returning Officers) Order 2016.

Policy Objectives

1. Section 12(6) of the 1998 Act provides that Scottish Ministers may by order designate regional returning officers for the eight Scottish Parliament regions for which paragraph 2 of schedule 1 of the 1998 Act makes provision.

2. Article 14(b) of the 2015 Order provides that, for the purposes of Scottish Parliament elections, Scottish Ministers may by order direct the persons to be the constituency returning officers for constituencies which are situated in more than one local authority area. For constituencies which are wholly situated in a single local authority area, the constituency returning officer is the person appointed by the council under section 41 of the Representation of the People Act 1983 to be the returning officer at elections of councillors for the local authority for that area.

3. The Scottish Parliament (Constituencies and Regions) Order 2025 (S.S.I. 2025/285) ("the Boundaries Order") defines the name, status and area of 70 of the 73 Scottish Parliament constituencies. Na h-Eileanan an Iar, Orkney Islands and Shetland Islands constituencies are not included in the Boundaries Order because paragraph 1(2) of schedule 1 to the Scotland Act 1998, as amended by the Islands (Scotland) Act 2018, provides for them directly. The Boundaries Order also defines the name and the area of each of the 8 Scottish Parliament regions.

4. Of the 70 constituencies in the Boundaries Order, 14 are situated in more than one local authority area. This Order directs the person to be the constituency returning officer for each of those constituencies as the person who is the returning officer for the election of councillors for the local authority named opposite the name of that constituency.

5. This Order also designated the person to be the regional returning officer for each of the 8 Scottish Parliament regions. In each case the person to be the regional returning officer is the person who is the returning officer for the election of councillors for the local authority named opposite the name of that region.

6. A full list of the regional returning officers and constituency returning officers designated by this Order can be found in annexes A and B respectively.

7. This Order revokes and replaces the Scottish Parliament (Constituency Returning Officers) Order 2016, which makes equivalent provision based on the boundaries prior to the alterations made by the Boundaries Order. The returning officers directed in the 2016 Order will continue to act in relation to any election or byelection the poll for which is held before 6 May 2026. This reflects that the alterations made by the Boundaries Order do not have effect for any election or byelection prior to 6 May 2026, such that where the previous constituency boundary is used, the returning officer for the constituency should remain the previously directed person.

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

8. 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 Parliament Elections (Regional Returning Officers and Constituency Returning Officers) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation

10. The Scottish Government conducted a targeted consultation with regional and constituency returning officers and the Electoral Management Board for Scotland (EMB), which represents returning officers collectively. The Scottish Government proposed the designation of regional returning officers and constituency returning officers as set out in this Order, and no concerns were raised by returning officers or by the Convener of the EMB.

11. The Scottish Government consulted with the Electoral Commission, as required under section 7(1) and (2)(g) of the Political Parties, Elections and Referendums Act 2000. No concerns were raised in this consultation.

Impact Assessments

12. The Scottish Government has prepared a Child Rights and Wellbeing Impact Assessment (CRWIA). The CRWIA notes that the changes made in this Order have no impact on children's rights.

13. A scoping exercise for an Equalities Impact Assessment (EQIA) was conducted, which found that due to the administrative nature of the changes made in this Order, there was no expected impact on any group of people, including a differential impact on any protected characteristics. For this reason a full EQIA was not conducted.

14. The Scottish Government view is that this Order 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)

15. 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

16. There are no specific significant costs associated with the changes made in this order, however it is estimated that the cost of running the Scottish Parliament general election in May 2026 will be about £30 million. This amount is made up of two main elements: returning officers' charges for services rendered and expenses incurred; and payments to Royal Mail for the delivery of candidates' election material. These estimated costs are based on comparisons with the cost of delivering previous elections across the UK. The expected cost of holding the election will not be impacted by the changes made in this Order.

Scottish Government
Directorate for Constitution

October 2025

ANNEX A

Regional returning officers for the Scottish Parliament regions

Column 1 Region	Column 2 Local authority
Central Scotland and Lothians West	North Lanarkshire Council
Edinburgh and Lothians East	City of Edinburgh Council
Glasgow	Glasgow City Council
Highlands and Islands	Highland Council
Mid Scotland and Fife	Fife Council
North East Scotland	Aberdeen City Council
South Scotland	Dumfries and Galloway Council
West Scotland	Renfrewshire Council

ANNEX B

Constituency returning officers for the Scottish Parliament constituencies located in more than one local government area

Column 1 Constituency	Column 2 Local authority
Aberdeen Deeside and North Kincardine	Aberdeen City Council
Angus North and Mearns	Angus Council
Banffshire and Buchan Coast	Aberdeenshire Council
Carrick, Cumnock and Doon Valley	Easy Ayrshire Council
Clackmannanshire and Dunblane	Clackmannanshire Council
Clydebank and Milngavie	West Dunbartonshire Council
Cunninghame South	North Ayrshire Council
Dumbarton	West Dunbartonshire Council
Edinburgh Eastern, Musselburgh and Tranent	East Lothian Council
Falkirk East and Linlithgow	Falkirk Council
Midlothian South, Tweeddale and Lauderdale	Scottish Borders Council
Renfrewshire North and Cardonald	Renfrewshire Council
Renfrewshire West and Levern Valley	Renfrewshire Council
Uddingston and Bellshill	North Lanarkshire Council