



The Scottish Parliament
Pàrlamaid na h-Alba

Published 3 November 2021
SP Paper 38
2nd Report 2021 (Session 6)

Standards, Procedures and Public Appointments Committee

**Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd
Poblach**

Subordinate Legislation Considered by the Standards, Procedures and Public Appointments Committee.



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



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The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021

1. The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021 was laid before the Scottish Parliament on 14 September 2021 and referred to the Standards, Procedures and Public Appointments Committee (SPPA Committee).
2. The regulations amend the deadline for an elector to seek a replacement for a spoilt or lost postal ballot paper from 5pm to 10pm on the day of poll. The instrument amends the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 (“the 2007 Regulations”, SSI 2007/263). The 2007 Regulations have previously been amended by the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2009 and the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2016. The 2007 Order sets out the procedures for the issue and receipt of postal ballot papers at Local Government elections.
3. The proposed changes would bring the practice for Local Government into line with that of the Scottish Parliament election and therefore standardise the 10pm deadline for replacement of spoilt or lost postal ballot papers. The Scottish Government considers that the additional time will assist in maximising turnout. 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 5 May 2022.

The Scottish Local Government Elections Amendment Order 2021

4. The Scottish Local Government Elections Amendment Order 2021 was laid before the Scottish Parliament on 14 September 2021 and referred to the Standards, Procedures and Public Appointments Committee (SPPA Committee).
5. The purpose of this instrument is to make a number of changes to the rules which set out how Scottish Local Government elections should be run. Changes are made in the following areas:
 - Decisions as to the validity of nomination papers;
 - Issue of official poll cards and notifications;
 - Filling of last vacancies;
 - Limitation of election expenses;
 - Publication of time and place for inspection of returns and declarations;
 - Meaning of election expenses; and
 - Power to amend Parts 1 and 2 of schedule 4B to the Representation of the People Act 1983.
6. The instrument amends the Scottish Local Government Elections Order 2011 (the “2011 Order”), the Representation of the People Act 1983 (the “1983 Act”) and the Representation of the People Act 2000 (the “2000 Act”) to reflect changes to the rules and procedures for the running of Local Government elections in Scotland. 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 5 May 2022.

Delegated Powers and Law Reform Committee Consideration

7. At its meeting on 21 September 2021, the Delegated Powers and Law Reform Committee considered both draft instruments and had no comments to make.¹

SPPA Committee Consideration

8. Motion S6M-01320 and S6M-01321 were lodged by George Adam, Minister for Parliamentary Business, and supported by John Swinney, Deputy First Minister and Cabinet Secretary for Covid Recovery.
9. At the SPPA Committee's meeting on 28 October 2021, it took evidence on the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021, the Scottish Local Government Elections Amendment Order 2021, the Representation of the People (Variation of Limits of Candidates' Local Government Election Expenses) (Scotland) Order 2021 (Negative) and the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2021 (Negative) from
—

George Adam, Minister for Parliamentary Business and Iain Hockenhull, Elections Bill Team Leader, Scottish Government;

Craig McGuffie, Solicitor, Scottish Government Legal Directorate.

10. Following the evidence session, George Adam (Minister for Parliamentary Business) moved—S6M-01320—That the Standards, Procedures and Public Appointments Committee recommends that the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021 be approved.
11. The motion was agreed to without division.
12. George Adam (Minister for Parliamentary Business) then moved—S5M-01321—That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Local Government Elections Amendment Order 2021 be approved.
13. The motion was agreed to without division.
14. The evidence taken and the debate can be found in the Official Report for the SPPA Committee meeting of 28 October 2021.²

15. **The Standards, Procedures and Public Appointments Committee recommends that the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021 and the Scottish Local Government Elections Amendment Order 2021 be approved.**

Annex: Extract from minutes

Subordinate legislation: The Committee took evidence on the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021, the Scottish Local Government Elections Amendment Order 2021, the Representation of the People (Variation of Limits of Candidates' Local Government Election Expenses) (Scotland) Order 2021 (Negative) and the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2021 (Negative) from —

George Adam, Minister for Parliamentary Business and Iain Hockenhull, Elections Bill Team Leader, Scottish Government ; Craig McGuffie, Solicitor, Scottish Government Legal Directorate.

Paul McLennan declared an interest that he is a serving Councillor.

Subordinate legislation: George Adam (Minister for Parliamentary Business) moved—S6M-01320—That the Standards, Procedures and Public Appointments Committee recommends that the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021 be approved.

The motion was agreed to.

Subordinate legislation: George Adam (Minister for Parliamentary Business) moved—S5M-01321—That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Local Government Elections Amendment Order 2021 be approved.

The motion was agreed to.

- 1 [Delegated Powers and Law Reform Committee, Subordinate Legislation Considered by the Delegated Powers and Law reform Committee on 21 September 2021](#)
- 2 [Standards, Procedures and Public Appointments Committee, Official Report, 28 October 2021](#)

