

POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (ABSENT VOTING AT LOCAL GOVERNMENT ELECTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2017

SSI 2017/64

1. The above instrument was made by Scottish Ministers in exercise of the powers conferred by sections 33 and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the instrument is to amend the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 (“the 2007 Regulations”).

3. Regulation 10 of the 2007 Regulations was amended by the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment (No. 2) Regulations 2016 so as to allow for an application for a proxy vote on the basis of occupation, service or employment to be made on an emergency basis.

4. The Electoral Commission have highlighted a potential loophole in the legislation. Whilst the 2016 Regulations give electors the right to apply for an emergency proxy vote on the grounds of occupation, service or employment, they do not explicitly give electoral registration officers the power to grant their applications. These amendment regulations clarify that electoral registration officers have the power to grant those applications.

5. Regulation 11 of the 2007 Regulations is amended so as to allow for the application of a proxy vote to be accepted if received no later than 5pm on the day of the poll where the application is made on grounds relating to an applicant’s occupation, service or employment and the applicant became aware of those grounds after 5pm on the sixth day before the poll.

Consultation

6. This is a technical change which clarifies a policy which was the subject of earlier consultation. Consultation has therefore been limited to the Electoral Commission. However electoral administrators, including electoral registration officers, are aware of the Scottish Government’s intention to make this amendment.

Impact Assessments

7. 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.

8. The Order has no impact on the equality, environment, privacy or children's rights and therefore no impact assessments are required for those areas.

Financial Effects

9. This is a minor change with no discernible financial costs.

10. The instrument has no financial effects on business.

Scottish Government Directorate for Strategy and Constitution
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