

POLICY NOTE

THE SCOTTISH ELECTIONS (REFORM) ACT 2020 (COMMENCEMENT NO. 1) REGULATIONS 2020

SSI 2020/278 (C. 23)

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 35(2) of the Scottish Elections (Reform) Act 2020. The instrument is not subject to any parliamentary procedure.

Purpose of the instrument.

The Regulations commence a number of provisions in the Scottish Elections (Reform) Act 2020 (“the 2020 Act”)¹. The commenced provisions will make changes in relation to the Scottish Parliament (including moving from four to five year terms), voting pilot schemes, attainment, the Electoral Commission and the Electoral Management Board for Scotland (EMB). The rest of the 2020 Act, including Part 4 in relation to Boundaries Scotland, is expected to be commenced in 2021.

Policy Objectives

The 2020 Act sets out a number of changes in respect of Scottish Parliament and local government elections in Scotland. It will change the terms for Scottish Parliament and local government from four to five years; make provision about the role of the Electoral Commission in relation to those elections; confer functions on the Electoral Management Board for Scotland in relation to Scottish parliamentary elections; and makes provision about the Local Government Boundary Commission for Scotland (LGBCS), including renaming it Boundaries Scotland.

These Regulations will commence the following provisions of the 2020 Act on 1 October 2020:

Issue	Provisions
Term lengths	1 Dates of general elections to the Scottish Parliament
Scottish Parliament Poll date	3 Postponement of general elections to the Scottish Parliament
Pilots	6 Electronic voting 7 Evaluation of pilot schemes
Attainers	8 Entitlement to register as an elector before attaining voting age
Electoral Commission	9 Expenditure of candidates at Scottish parliamentary elections
	11 Attendance of observers at Scottish parliamentary elections
	13 Reviews of electoral and political matters 14 Setting of performance standards

¹ <https://www.legislation.gov.uk/asp/2020/12/contents>

	15 Financing of Electoral Commission 16 Reimbursement of costs by Scottish Ministers etc. 17 Electoral Commission: five-year plan 18 Accounts and accounting officer 19 Reports by Electoral Commission: devolved Scottish elections 22 Reports on elections: voting by disabled persons at devolved Scottish elections 23 Notification of Commission regulations: devolved Scottish elections
Electoral Management Board for Scotland	24 Electoral Management Board for Scotland: general functions 25 Directions to returning officers: Scottish parliamentary elections 26 Directions to electoral registration officers: Scottish parliamentary elections 27 Electoral Management Board for Scotland: miscellaneous amendments

Commencement of the remaining provisions of the 2020 Act is intended to occur in 2021, in discussion with relevant stakeholders, such as the LGBCS in relation to sections 4 and 28 to 33.

Consultation

The policy objectives of the 2020 Act was subject to parliamentary scrutiny as a part of the parliamentary process² for the 2020 Act. The Policy Memorandum³ for the Bill that preceded the 2020 Act outlined the results of the Government consultation exercise conducted in relation to electoral reform held over 2017-18.

Commencement on 1 October 2020 of the provisions identified in these Regulations is a result of discussion on timing with the Electoral Commission and other electoral professionals.

Impact Assessments

Impact assessments on the overall policy objectives of the 2020 Act were conducted in 2019 and are available at the following links:

Equality Impact Assessment

<https://www.gov.scot/publications/scottish-elections-reform-bill-equality-impact-assessment/>

Business and Regulatory Impact Assessment

<https://www.gov.scot/publications/scottish-elections-reform-bill-business-regulatory-impact-assessment/pages/1/>

² <https://beta.parliament.scot/bills/scottish-elections-reform-bill>

³ <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/scottish-elections-reform-bill/introduced/policy-memorandum-scottish-elections-reform-bill.pdf>

Child Rights and Wellbeing Impact Assessment

<https://www.gov.scot/publications/scottish-elections-reform-bill-child-rights-wellbeing-impact-assessment/>

Financial Effects

The financial effects on the Scottish Government, local government or on business are detailed in the BRIA and Financial Memorandum⁴ prepared in respect of the Bill that preceded the 2020 Act.

Scottish Government
Cabinet and Constitution Directorate

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⁴ <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/scottish-elections-reform-bill/introduced/financial-memorandum-scottish-elections-reform-bill.pdf>