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Pàrlamaid na h-Alba

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Standards, Procedures and Public Appointments Committee

Subordinate legislation considered by the Standards, Procedures and Public Appointments Committee at its meeting on 5 March 2026



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Email: info@parliament.scot

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Standards, Procedures and Public Appointments Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) the practice and procedures of the Parliament in relation to its business;
- (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;
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters falling within the responsibility of the Minister for Parliamentary Business.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion."



SPPA.Committee@parliament.scot



0131 348 5176

Committee Membership



Convener
Martin Whitfield
Scottish Labour



Deputy Convener
Ruth Maguire
Scottish National Party



Emma Roddick
Scottish National Party



Sue Webber
Scottish Conservative
and Unionist Party



Annie Wells
Scottish Conservative
and Unionist Party

Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353)

1. At its meeting on 5 March 2026, the Standards, Procedures and Public Appointments Committee ("the Committee") considered the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353). The Order was laid under the Convention Rights (Compliance) (Scotland) Act 2001 and is subject to the affirmative procedure.
2. The Policy Note accompanying the instrument sets out that the Order allows some persons detained in hospital under orders and directions relating to criminal justice to vote in Scottish parliamentary elections and local government elections in Scotland.
3. The Policy Note explains that—
 - ” the Scottish Ministers must, after making such an order, give appropriate public notice of its contents, and invite written comments to be made within 60 days of this Order being made. In accordance with section 14(3) and (4) of the 2001 Act, the Scottish Ministers must consider all written observations made; and lay a statement before the Scottish Parliament summarising these comments and specifying the modifications (if any) they consider it appropriate to make to this Order.

Section 14(5) of the 2001 Act provides that if modifications are so specified, the Scottish Ministers must make and lay before the Scottish Parliament a further remedial order incorporating the relevant changes. In accordance with section 14(6), either the initial version of the remedial order or the revised version of the remedial order must be approved within 120 sitting days (commencing on 18 November 2025), otherwise the remedial order will cease to have effect.
4. On 23 February, the Minister for Parliamentary Business and Veterans wrote to the Committee providing a statement after consultation. Two responses were received by the Scottish Government. The statement after consultation “contains a summary and analysis of the written observations received in response to public notice of the content of the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (“the Remedial Order”) and specifies that no modifications will be made to the Order.”
5. While the two responses to the consultation welcomed the Order, additional comments were also made commenting on areas where the Order could go further “focusing on the prohibition on voting where a detained patients’ voting rights are determined by their deemed liability on the basis of the maximum possible sentence for the offence for which the person was convicted or charged and called for further consideration.”
6. In response to the comments provided, the Scottish Government has indicated that—



It is proposed that a consultation on electoral reform following the election on 7 May 2026 will consider questions raised by consultees and all other aspects of the prohibition in section 3A of the 1983 Act, including the historical rationale for disenfranchisement. That consultation could highlight the points made by both the Royal College of Psychiatrists in Scotland and the Law Society for Scotland. The Government would welcome the further involvement of mental health professionals, advocacy groups and those with lived experience in that process.

Consideration by the Delegated Powers and Law Reform Committee

7. The Delegated Powers and Law Reform (DPLR) Committee considered the instruments on 2 December 2025 and reported on them in its [88th Report 2025](#).
8. The DPLR Committee made no recommendations in relation to the instrument.

Consideration by the Standards, Procedures and Public Appointments Committee

9. The Committee took evidence on the Order from Graeme Dey, Minister for Parliamentary Business and Veterans, and Scottish Government officials.
10. During the formal debate, Sue Webber MSP indicated that she would not be supporting approval of the Order, noting the position of the Scottish Conservative and Unionist Party on the question of prisoner voting, that she considered further detail would be required on how capacity to vote would be assessed and expressed the view that the Order does not need to be approved to comply with the European Convention on Human Rights. The Minister indicated that the purpose of the Order was to deal with an anomaly in legislation previously agreed by the Parliament and that it was a temporary measure with any decision on a permanent measure being a decision that could be taken by a future parliament.
11. Following questions, the Minister moved motion S6M-20958– That the Standards, Procedures and Public Appointments Committee recommends that the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353) be approved.
12. The motion was agreed to by division: For 3 (Ruth Maguire, Emma Roddick, Martin Whitfield) Against 2 (Sue Webber, Annie Wells), Abstentions 0. .

Conclusion

13. The Committee recommends to the Parliament that the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353) be approved.

