

POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (VARIATION OF LIMIT OF CANDIDATES' LOCAL GOVERNMENT ELECTION EXPENSES) (SCOTLAND) ORDER 2021

SSI 2021/310

1. The above instrument was made in exercise of the powers conferred by section 76A(1) of the Representation of the People Act 1983 and all other powers enabling the Scottish Ministers to do so. This instrument is subject to negative procedure.

Summary Box

This Order increases the amount that candidates at Local Government elections can spend on campaigning.

Policy Objectives

2. Section 76(2)(b)(ii) of the Representation of the People Act 1983 sets out the maximum amount that a candidate at a Local Government election may incur on their election expenses. The purpose of this instrument is to amend section 76(2)(b)(ii) to increase these maximum amounts and thereby reflect the change in the value of money since those maximum amounts were last set.
3. 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.
4. These Regulations will not apply to any election for which the date of the poll is on or before 4 May 2022.

Amendments

5. Article 2 updates the maximum amount of a candidate's election expenses at a Local Government election in Scotland from £740, together with an additional 6p for every entry in the register of electors, to £806 together with an additional 7p for every entry in the register of electors.
6. For example, a candidate standing in a ward with 20,000 registered electors would have an expenditure limit of £2,206, made up of £806 plus £0.07 multiplied by 20,000 (£1,400). This compares with £1,940 under the previous amounts, an increase of 13.7%

Consultation

7. The following bodies and stakeholders were consulted on these proposals:
 - Electoral Commission
 - Electoral Management Board for Scotland
 - Association of Electoral Administrators
 - Electoral Registration Committee of the Scottish Assessors Association
 - Society of Local Authority Lawyers & Administrators in Scotland

- Society of Local Authority Chief Executives and Senior Managers
- COSLA
- Political Parties represented in the Scottish Parliament

Responses were received from:

- Electoral Commission; and
 - a political party
8. The Electoral Commission welcomed the proposed changes and commented that they were in line with the equivalent expenditure limits for Local Government elections in other parts of the UK. The response from the political party suggested that a general review of the expenses provisions, which fully reflected the move to multi member wards, should be carried out after the election.

Impact Assessments

9. An equality impact assessment (EQIA) has been produced for the instruments laid ahead of the 2022 Scottish Local Government elections. It will be published alongside the SSIs when they are laid before Parliament.
10. The Scottish Government view is that these Regulations have no significant impact on child rights and wellbeing, data protection, the environment, or island communities and therefore no impact assessments are required for those areas.

Business and Regulatory Impact Assessment (BRIA)

11. The Scottish Government does not consider that a BRIA is necessary as the policy changes will not lead to any significant new costs or savings for business, third or public sector organisations, regulators or consumers and there is no transfer of costs or benefits from one group to another.

Financial Implications

12. Candidates at elections do not receive any funding from the public purse and are expected to meet any election expenses either from their own resources or from donations.
13. Local authorities are responsible for meeting the cost of Local Government elections from within their overall budget. These Regulations are not expected to result in any increased costs for local authorities.

Scottish Government
Directorate for Constitution and Cabinet

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