

T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Martin Whitfield MSP  
Convener  
Standards, Procedures and Public Appointments  
Committee

EDINBURGH EH99 1SP  
e-mail: [sppa.committee@parliament.scot](mailto:sppa.committee@parliament.scot)

27 November 2024

Dear Martin,

## Electoral Reform Consultation

Following the Committee Stage 2 sessions on the Scottish Elections (Representation and Reform) Bill on 7 November, I have been reflecting on a number of the amendments raised and debated at the sessions and in particular those in Group 2 on disqualification from elected office.

I have been discussing with Ross Greer his amendments in relation to council by-elections and the need for deposits for standing for election as an MSP. Mr Greer has also highlighted the amendment brought forward by Ben Macpherson on establishing a residency requirement for serving as an MSP.

I am pleased to be able to inform the Committee of my intention to consult on the following issues in spring 2025:

**Local Government By-elections** – it has been argued that by-elections in local government disrupt the proportionality of our Single Transferable Voting system. I accept the merits of further discussion in this area and in particular the need in doing so to seek the views of those serving in local government.

**Deposits and supporter signature requirements in Scottish Parliament elections** – you will recall that Mr Greer argued that candidate deposits can act as a barrier to participation. I agree that further consideration of this issue would be helpful.

**Residency requirements for MSPs** – Ben Macpherson suggested that there should be a requirement for MSPs to be ordinarily resident in Scotland. I agree that this is an issue that could benefit from consultation. In doing so reference could be made to the rules for local government representation in section 29 of the Local Government (Scotland) Act 1973.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

This will be a separate consultation to the one I intend to hold on dual mandates as outlined in my [letter](#) of 31 October to the Committee. That letter highlighted that there could be merit in a consultation also exploring disqualification criteria more widely. I can confirm that I believe a consultation could usefully consider a full restatement of MSP eligibility criteria (as occurred in Wales in [2020](#)). I have also noted the recommendation by the Electoral Commission in its [Report](#) on the 2024 UK Parliament General Election for a strengthening of the requirements and checks for nominating candidates. This strikes me as a further topic which could benefit from consultation, not least in light of the debate at the 7 November session on checks concerning the eligibility of candidates. I intend for this consultation to begin early in 2025/

I have written in similar terms to Mr Greer and am copying this letter to Mr Greer, Ben Macpherson, Graham Simpson, COSLA and the Electoral Commission.

Yours,



**JAMIE HEPBURN**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE™**  
We invest in people Silver

