

Scottish parliament election 2026 - Electoral law: What can you do during this election period?

Around a Scottish Parliament election, the laws on campaigning as a charity change and become stricter. While this means organisations should exercise caution, the chances of any action being taken against local charities is small. The bigger risk is of being over cautious and key issues around hospice and end of life care not being understood or prioritised by your candidates.

There is still a lot that hospices can do within the rules to raise the needs and concerns of your hospice during the election period, and great opportunities to connect with local candidates and advocate for the sector. Below we have set out what you may need to consider ensuring you can confidently campaign for your hospice.

Maintaining your independence

Guidance on campaigning and political activities of charities in Scotland is provided by the Scottish Charity Regulator, [OSCR](#).

Under Scottish charity law, a charity can campaign if:

- it is advancing your charitable purposes
- your governing document does not prevent the activity
- you are not advancing a political party
- you can show you are acting in the charity's interests

This includes election periods, as long as the requirements of charity law and electoral law are met. In practice this means that Scottish Charities can distribute information or engage in debate about the policies of political parties or candidates where these activities are ways of achieving their charitable purposes.

Above all, charities must be, and be seen to be, independent of party politics.

Charities can support policies advocated for by a political party but must ensure that this is not misconstrued as support for the party itself. In election periods it is important for charities that any support for a particular party or candidate cannot be inferred from association with them, e.g being photographed for campaign leaflets or having election material displayed on the premises.

We recommend that any staff, including hospice trustees and CEOs, are very careful that any support that they give, even in their own time, for a particular candidate or party, does not imply the hospice also supports this candidate/party. This is very important in order to protect the independence of your hospice.

When organising hospice visits or hustings with candidates, you should make sure your engagement with political parties is balanced and your independence maintained by reaching out to all the parliamentary candidates for each of the main parties in your area.

In certain circumstances or in hustings, you may decide that it is acceptable to not invite a representative from a party that the hospice decides advocates for policies that are in contravention of the hospice's charitable purpose/for a clear and objective reason. However, impartiality must always be kept in mind in this decision.

If you would like to discuss what constitutes a clear and objective reason in more detail, please feel free to get in touch with us at policyscotland@hospiceuk.org.

There are also rules organisations need to follow if conducting 'regulated campaign activity' during or ahead of an election.

For most hospices, the campaigning you do around an election is unlikely to be regulated activity, if you are taking clear steps to maintain your independence from party politics and ensuring you are not influencing the way the public will vote.

We have included further details below of what constitutes regulated activity during an election so you can make an informed decision for your hospice.

Please feel free to get in touch with us at policyscotland@hospiceuk.org if you think you are likely to need to register as a non-party campaigner and would like further support or advice.

Regulated activity and registering as a non-party campaigner

The principal law regulating political campaigning activity is the Political Parties, Elections and Referendum Act 2000 (PPERA).

In many cases, PPERA will not apply to the campaigning activities of charities in Scotland, but sometimes it will. It applies to spending on 'regulated campaign activity' (some aimed at the public) during the 'regulated period'.

A charity must register with the [Electoral Commission](#) as a non-party campaigner if it spends (or plans to spend) more than £10,000 on 'regulated campaign activity' that counts as 'qualifying expense', including staff costs.

The regulated period for the 2026 Scottish parliament election begins on 7 January 2026, and ends on polling day, 7 May 2026.

The activities that are regulated are:

- the production or publication of material which is made available to the public
- canvassing and market research seeking views/information from the public
- press conferences and media events
- transport in connection with publicising your campaign
- public rallies and other public events

In order to assess whether an activity is regulated the purpose and the public test are used.

The purpose test:

Spending by non-party campaigners is only regulated if it can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates, including political parties or candidates who support or do not support particular policies or issues.

Factors considered to determine if campaign activity is intended to influence voters include:

Call to action (implicit or explicit), tone (if a campaign is positive or negative towards a party or category of candidate), context and timing (a campaign starting close to an election, or on an issue closely associated with a party) and how a reasonable person would see the activity.

Campaigns that mention political parties or candidates are likely to meet the purpose test, and in almost all cases will do so if they explicitly promote political parties or candidates, or implicitly, for example by comparing the merits of the positions of political parties or candidates on a policy.

The public test:

Some activities also need to meet the public test in order to be regulated, these activities are:

- the production or publication of material which is made available to the public at large or any section of the public
- canvassing and market research seeking views or information from members of the public
- public rallies and other public events

OSCR states that the public does not include members or committed supporters of charities.

The 'purpose' and 'public' test must also be considered in the regulation of campaign materials. While it is unlikely that these will apply to activity where steps have been taken to ensure independence, we have outlined the relevant law below.

Campaign materials:

Imprints:

Any printed or digital campaign material, which meet the 'purpose test' and will be made available to the public, must include an imprint, regardless of spending.

An imprint is the specific details to show who is responsible for publishing it. Digital material is material in electronic form that consists of or includes text, moving images, still images, speech or music, and includes but is not limited to things such as emails, WhatsApp and social media posts.

Organic material (digital material not paid to be published as an advert e.g. posted on your own social media) will still require an imprint if it is election material.

Specific details on imprint formatting and content can be found on the [Electoral Commission website](#).

What is considered election material?

Election material is that which can be reasonably regarded as intending to promote or procure electoral success and influence voters. For example, this would include both a positive campaign about a party's policies, and a negative campaign criticising a party's policies.

While your primary intention may not be to influence voters, if you were, for example, to publish material promoting parties and candidates who have adopted a policy that you support, this would be considered election material and require an imprint.

You must also consider the materials you are sharing or ‘republishing.’ The law on imprints is also applicable to material you republish – for example, using the ‘repost’ function on X, the ‘Share’ button on Facebook, the ‘duet’ function on TikTok, or forwarding an email. However, if you share material already published with a correct imprint, and you do not alter it further, no further imprint is needed.

Applying the public test to campaign materials:

If the public are not able to access a printed or digital material, it will not be a regulated campaign activity. In practice this means that materials such as newsletters, sent to a closed group who have signed up to receive it, is not a regulated campaign activity.

Above we have set out some of the key rules associated with regulated activity, but we would encourage you to read the [electoral commission guidance](#) in full if you think you may need to register.

These include, but are not limited to, the additional considerations if you are campaigning jointly with other organisations, for example with other hospices in your area, and the spending regulations surrounding donations and items/services bought before the regulated period.

There are also different rules around running a local campaign, for or against specific candidates in a constituency, rather than for or against parties/categories of candidates/candidates who support particular policies etc., that can be accessed on the [Electoral Commission website](#).

The Lobbying (Scotland) Act 2016

At all times, including in the run up to the election, you must also ensure you are following the requirements of the Lobbying (Scotland) Act.

The lobbying Act, sets out what constitutes ‘regulated lobbying’. This is when all the following apply:

- you communicated orally and face-to-face with MSPs, members of the Scottish Government, Special Advisers or Permanent Secretary
- you communicated about Scottish Government or Parliamentary functions
- you used the opportunity to inform or influence decisions on behalf of your organisation
- you are in a paid role and are representing the views of your organisation

If the engagement is with your local constituency or regional MSP this does NOT count as regulated lobbying, UNLESS the MSP is also a member of the Scottish Government e.g. a Minister.

Under the Act, you must register and log information including who has been lobbied, when and where it occurred and what the purpose of the lobbying was, on the [Lobbying Register website](#). The Register is managed and maintained by the Scottish Parliament and is open to members of the public to search.

Further guidance on the lobbying register is provided by the [Scottish Parliament's Lobbying Register Team](#).

Further resources

[OSCR | Charities and campaigning on political issues: guidance](#)

[Non-party campaigners: Scottish Parliamentary elections | Electoral Commission](#)

[Home - Lobbying Register](#)