
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Scotland) Regulations 2001 (“the 2001 Regulations”) in relation to procedures relating to registration and the evidence which can be used in support of an application for anonymous registration, both in relation to registration of local government electors in Scotland. Similar changes to the process of registration of UK parliamentary electors in Scotland are being made by amendments to the 2001 Regulations in a UK Statutory Instrument.

Regulation 3 amends regulation 26 of the 2001 Regulations to require the Electoral Commission to include on the application form for registration a statement that persons, who are not qualifying Commonwealth citizens, Irish or other relevant citizens of the European Union, are not eligible to register for voting at local government elections and that registration officers may seek further information about an applicant’s nationality. Regulation 3 also amends regulation 26 to add a statement on the application form that failure to provide information may delay the processing of the application.

Regulation 4 amends regulation 31C of the 2001 Regulations to add additional circumstances in which registration officers can remove an elector from the register based on a single source of evidence that the elector has died. As a result regulation 7 of these Regulations makes a consequential amendment to regulation 31FA of the 2001 Regulations.

Regulation 5 amends regulation 31D of the 2001 Regulations to require the registration officer to include a statement in a notice that, if there is no request for a hearing by the person concerned within 14 days counting from the date of the notice, the registration officer may remove the person from the register and that there would be no right of appeal in these circumstances.

Regulation 6 amends regulation 31FZA of the 2001 Regulations to provide the registration officer with discretion as to whether to notify a person of the outcome of a review where the registration officer has not received any response to a notice that a review is being undertaken.

Regulation 31G of the 2001 Regulations sets out the requirements for an application for anonymous registration. Such an application must be accompanied by evidence that the applicant would be at risk in the form of a court order or injunction listed in regulation 31I(3) or by way of attestation in accordance with regulation 31J. Regulation 8 of these Regulations amends regulation 31I(3) of the 2001 Regulations to include additional court protection orders in relation to domestic violence and female genital mutilation. Regulation 9(a) amends regulation 31J of the 2001 Regulations so that any police officer of or above the rank of an inspector of any police force in England and Wales, the Police Service of Scotland and the Police Service of Northern Ireland can sign an attestation used as evidence. Regulation 9(b) amends regulation 31J of the 2001 Regulations to include a registered medical practitioner, a registered nurse or midwife and a person who manages a refuge in the list of those who can provide evidence by way of attestation.

Regulation 10 amends regulation 93A of the 2001 Regulations so that, following a request from a person to be included or omitted from the edited register, the sending of a confirmation by the registration officer is no longer mandatory.