
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Representation of the People (Scotland) Regulations 1986, as amended, (“the 1986 Regulations”) except Part VI of those Regulations (which relates to the procedure where the polls at more than one election are taken together). These Regulations are needed in consequence of changes made by the Representation of the People Act 2000 (“the 2000 Act”).

Parts I to IV of these Regulations apply to elections for membership of the House of Commons and the European Parliament, and also to local government elections in Scotland. Part V applies to elections for those memberships but not to local government elections in Scotland.

Part I of these Regulations is based on Part I of the 1986 Regulations (as amended). Regulation 5 of these Regulations is simpler than the equivalent provision in the 1986 Regulations and is intended (together with regulation 6) to facilitate the use of electronic communications. The fees in regulation 10 are increased from £1.50 as the fee for inspection and 15p as the fee for copies to £5 and 20p, respectively.

Regulation 12 of these Regulations exercises the power conferred by rule 29(3A)(b) of the parliamentary elections rules, as inserted by section 13(2) of the 2000 Act. This imposes on the returning officer a duty to supply to each polling station a device of a description prescribed in regulations to enable blind or partially sighted voters to vote without assistance. Regulation 12 prescribes that description.

Provision about the registration of relevant citizens of the Union as European Parliamentary electors which was made by regulation 14A of the 1986 Regulations, as amended, will be included in a separate set of regulations.

Part II of these Regulations is based on Part II of the 1986 Regulations (as amended). However, the provision in the latter in respect of patients' declarations is omitted consequent on the replacement of section 7 of the 1983 Act (subsections (2) to (9) of which provided for such declarations) by the 2000 Act.

Part III of these Regulations differs from Part III of the 1986 Regulations because it no longer includes provision about electors lists (whether or not in the form of the draft register). This is because the changes made by Schedule 1 to the 2000 Act abolished the need for such lists consequent on the introduction of “rolling registration”. Under this system the register of electors continues in force indefinitely (although revised versions of it will be produced at least once a year). This contrasts with the previous system under which the register remained in force for one year and was compiled by reference to residence on a qualifying date.

The following regulations are however in substance the same as provisions in the 1986 Regulations (including provisions in those Regulations about amendments to the published register). These regulations are regulations 23 and 24, 26 to 32, 35 to 40 and 42 to 45. Regulation 41 (order of names) no longer includes provision about the numbering of names in the register (because that is provided for in section 9(3) and (4) of the 1983 Act, as substituted by Schedule 1 to the 2000 Act); it also enables the registration officer, rather than the council which appointed him, to determine when street order is not a reasonably practicable way of arranging the register.

Regulation 25 extends the duty on registration officers to send out reminders to all persons registered in pursuance of a declaration and not just overseas electors; it thereby covers those who made service declarations and declarations of local connection.

Changes to legislation: *Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Under section 10A(5) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act) a person whose name is duly entered in a register is entitled to remain registered there until the occurrence of any of the circumstances set out in that provision. Paragraph (b) of that provision enables regulations to set out circumstances for these purposes and regulation 33 exercises that power.

One of the circumstances set out in section 10A(5) is that the form used for the purposes of the annual canvass (under section 10(4) of the 1983 Act, as substituted by section 1 to the 2000 Act) has not been returned in respect of a person included in the register. Under regulation 34 (in

exercise of the power in section 10A(7)) such a name is to be included in the register for the period of one year only notwithstanding that the form has not been returned.

Regulation 35 is a new provision which enables the registration officer to inspect the records listed in that regulation for electoral registration purposes. Regulation 36 specifies notices for the purposes of sections 13(3), 13A(2) and 13B(3) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act). Regulation 37 makes provision about notification where one registration officer is informed by a person who has moved into his area that he no longer resides in the area of another registration officer.

Regulation 46 repeats the substance of the 1986 Regulations on the free supply of copies of the register but adds the Electoral Commission to the list of officers to whom copies of a revised version of the register (and list of overseas electors) are to be supplied free of charge on publication. Regulation 47 repeats the substance of the 1986 Regulations on the free supply of copies of the register on request but adds political parties registered under Part II of the Political Parties, Elections and Referendums Act 2000 to the list of recipients. In each case the regulation requires that the copy is to be supplied in data form, subject to exceptions. Regulations 48 and 49 make fresh provision about the sale of copies of the register (and list of overseas electors).

Part IV of these Regulations supplements the new rules about absent voting which are set out in Schedule 4 to the 2000 Act. Those rules differ from the existing rules (in sections 5 to 9 of the Representation of the People Act 1985) in that persons are entitled to apply to vote by post without the need to put forward a reason for doing so. Accordingly, the additional requirements set out in regulations 53 to 55 of these Regulations closely resemble the equivalent provisions in the 1986 Regulations except that they are limited to persons applying to vote by proxy.

Regulation 56 (which sets the closing dates by which applications for an absent vote must be received by the registration officer in order to be effective for the purposes of a particular election) differs from the equivalent provision in the 1986 Regulations in that, in most cases, the closing date is now the sixth working day before the date of the poll. Regulation 57(6) enables a returning officer at a parliamentary election who is not the registration officer for a particular part of his constituency to be informed of applications which are granted before that date (when the lists referred to in regulation 61(3) are published). The remaining regulations in Part IV of these Regulations are in substance the same as the equivalent provisions in the 1986 Regulations.

Part V of these Regulations differs in a number of respects from Part V of the 1986 Regulations.

Regulation 71 is a new provision which is designed to ensure that, subject to special provision in paragraph (1) in respect of those entitled to vote by post for a definite or indefinite period, a postal ballot paper is issued as soon as practicable after the registration officer has granted the application. Since postal ballot papers will no longer be issued in batches, the provision about the persons entitled to attend the issue (regulation 67) has been amended to restrict the right to the returning officer and his staff.

Regulation 76 expands the existing provision as to the means by which postal ballot papers may be delivered to the voters. Regulation 78 is a new provision which allows postal ballot papers that have been lost in the post to be replaced.

Regulations 79, 87 and 88 are consequent on rule 45(1B) of the parliamentary elections rules, as inserted by Schedule 6 to the 2000 Act. This enables a postal ballot paper and a declaration of identity to be validly returned even if they are returned separately provided that they reach the returning

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officer or a polling station in the constituency in the manner provided by regulations before the close of the poll. Paragraphs (1) and (2) of regulation 79 prescribe the manner of return and regulations 87 and 88 provide the means of matching up postal ballot papers and declarations of identity that have been returned separately. The remaining regulations are in substance the same as those in Part V of the 1986 Regulations.

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Changes and effects yet to be applied to :

- reg. 31J(4)(b) words substituted by [S.I. 2013/3206 reg. 21\(2\)](#)
- reg. 32ZA-32ZI amendment to earlier affecting provision SI 2013/3206 reg. 22 by [S.I. 2014/1250 reg. 4](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 31I(3)(t) inserted by [S.I. 2022/1382 reg. 39\(2\)](#)