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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART II

#### SERVICE AND OVERSEAS ELECTORS' DECLARATIONS

##### *Service declarations*

#### **Qualification for Crown servant**

**14.** A person (not being a member of the forces within the meaning of section 59(1) of the 1983 Act) who is employed in the service of the Crown in a post outside the United Kingdom falls within the class or description referred to in section 14(1)(b) of the 1983 Act if he is required to devote his whole working time to the duties of that post and the remuneration of it is paid wholly out of money provided by Parliament.

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#### **Commencement Information**

**II** Reg. 14 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### **Contents of service declaration**

**15.—(1)** In addition to the matters specified in paragraphs (a) to (f) of section 16 of the 1983 Act<sup>(1)</sup>, a service declaration shall state—

- (a) the declarant's full name and present address,
- (b) the grounds on which the declarant claims a service declaration, and
- (c) such of the particulars specified in paragraph (2), (3) or (4) below as are relevant to the service qualification claimed by the declarant.

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse [<sup>F1</sup>or civil partner] of such a member, the service declaration shall state—

- (a) the service (whether naval, military or air forces) in which that member serves,
- (b) the rank or rating of that member, and
- (c) the service number of that member;

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

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(1) Section 16 was amended by Schedule 1 to the 2000 Act.

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(3) Where the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 14 above applies or the spouse [<sup>F2</sup>or civil partner] of such a servant, the service declaration shall state—

- (a) the name of the Government department (which, for the purposes of this paragraph, includes the Scottish Administration) in which that servant works, and
- (b) a description of the post of that servant.

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse [<sup>F3</sup>or civil partner] of such an employee, the service declaration shall state a description of the post of that employee.

#### Textual Amendments

- F1** Words in [reg. 15\(2\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(2\)](#)
- F2** Words in [reg. 15\(3\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(2\)](#)
- F3** Words in [reg. 15\(4\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(2\)](#)

#### Commencement Information

- I2** Reg. 15 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Transmission of service declaration

**16.—(1)** A service declaration made by a member of the forces or his spouse [<sup>F4</sup>or civil partner] shall be transmitted to the appropriate registration officer.

(2) A service declaration made by a person who is or will be a Crown servant or by his spouse shall be transmitted by the declarant to the Government department under which that person or his spouse [<sup>F5</sup>or civil partner] is or will be employed or to an officer designated by that department and transmitted by that department or officer to the appropriate registration officer.

(3) A service declaration made by a person who is or will be a British Council employee or by his spouse [<sup>F6</sup>or civil partner] shall be transmitted by the declarant to the British Council and transmitted by the British Council to the appropriate registration officer.

(4) In this regulation, the “appropriate registration officer” means the registration officer for the area within which is situated the address specified in the declaration in accordance with section 16(d) of the 1983 Act<sup>(2)</sup>.

#### Textual Amendments

- F4** Words in [reg. 16\(1\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(3\)](#)
- F5** Words in [reg. 16\(2\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(3\)](#)
- F6** Words in [reg. 16\(3\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(3\)](#)

(2) Section 16(d) was amended by Schedule 1 to the 2000 Act.

**Commencement Information**

**I3** Reg. 16 in force at 16.2.2001, see [reg. 1\(1\)](#)

**Notification by registration officer in respect of service declarations**

**17.—(1)** Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of a service declaration because it—

- (a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the 1983 Act and regulation 15 above, or
- (b) does not comply with the requirements of sections 14 and 15 of the 1983 Act 1983(3) or, where appropriate, regulation 14 or 16 above,

he shall return the declaration to the declarant setting out his reasons for so doing.

**Commencement Information**

**I4** Reg. 17 in force at 16.2.2001, see [reg. 1\(1\)](#)

*Overseas electors' declarations*

**Contents of overseas elector's declaration**

**18.—(1)** In addition to the information required by paragraphs (a) to (d) of subsection (3) and subsection (4) of section 2 of the 1985 Act(4), an overseas elector's declaration shall state the declarant's full name and present address and, where appropriate, the information required by paragraphs (2) to (7) below.

(2) If the declarant—

- (a) was last registered in pursuance of a service or other declaration, rather than actual residence at the address specified in pursuance of section 2(4)(b) of the 1985 Act, and
- (b) no longer had connection with that address at the time at which he was so registered,

the declaration shall include a statement that the declarant was so registered.

(3) If the declarant claims that his name has changed since he was last registered in respect of the address specified in the overseas elector's declaration in accordance with section 2(4)(b) of the 1985 Act, that declaration shall—

- (a) set out the name in respect of which the declarant was last previously registered, and
- (b) give the reason for the change of name.

(4) Where a declarant—

- (a) has on a previous occasion been registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, and
- (b) has not, since being so registered, been registered in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom,

(3) Sections 14 and 15 were amended by Schedule 1 to the 2000 Act.

(4) Section 2 was substituted by Schedule 2 to the 2000 Act.

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his overseas elector's declaration shall state those facts and indicate when he was last registered in pursuance of an overseas elector's declaration.

For the purposes of the application of this paragraph by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "a register of local government electors" were substituted for the words "such a register".

(5) Where a declarant has not made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors since being included in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom, or has never made such a declaration, his overseas elector's declaration shall state—

- (a) in the case of a declarant who is the bearer of a British passport which describes his national status as "British citizen", the number of that passport together with its date and place of issue; or
- (b) in the case of a declarant who is not the bearer of such a passport, but who was born in the United Kingdom before 1st January 1983, those facts; or
- (c) in the case of a declarant who is not the bearer of such a passport and who was not born in the United Kingdom before 1st January 1983, when and how he acquired the status of British citizen, together with the date, place and country of his birth.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation the words "a register of local government electors" were substituted for the words "such a register".

(6) Where, in the case of a declarant to whom regulation 19 below applies (and who is accordingly required to transmit a copy of his birth certificate together with his declaration), his name on his birth certificate is not the same as his name as given in his overseas elector's declaration, that declaration shall state the reason for the change of name.

(7) Where, in the case of a declarant to whom regulation 19 below applies, he relies on the registration of either—

- (a) a parent whose name in the register referred to in section 1(4)(c) of the 1985 Act<sup>(5)</sup> is not the same as the name of that parent as given in either the declarant's birth certificate or overseas elector's declaration in accordance with section 2(4)(c)(iii) of the 1985 Act, or
- (b) a guardian whose name in the register referred to in section 1(4)(c) of the 1985 Act is not the same as the name of that guardian as given in the declarant's overseas elector's declaration in accordance with section 2(4)(c)(iii) of the 1985 Act,

that declaration shall state the name of the parent or, as the case may be, guardian as given in the register referred to in section 1(4)(c) and, where known, the reason for the change or, as the case may be, changes of name or, where such reason (or reasons) is not known, a statement to that effect.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4)(c)" were substituted for the words "section 1(4)(c)", in each place where those words occur.

#### Commencement Information

**I5** Reg. 18 in force at 16.2.2001, see [reg. 1\(1\)](#)

(5) Sections 1 to 3 of the 1985 Act were substituted by Schedule 2 to the 2000 Act.

### Certain declarants to supply copy of birth certificates

19.—(1) This regulation applies to a person who has made an overseas elector’s declaration in which he claims to be qualified as an overseas elector by virtue of the conditions set out in section 1(4) of the 1985 Act, and who has not on a previous occasion made an overseas elector’s declaration in pursuance of which he was registered in a register of parliamentary electors.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words “section 3(4)” were substituted for the words “section 1(4)”.

(2) Where this regulation applies, a declarant shall transmit together with his overseas elector’s declaration a copy of his birth certificate which shows the names of either or both of his parents as well as his date of birth.

#### Commencement Information

**I6** Reg. 19 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Attestation of certain overseas electors' declarations

20.—(1) An overseas elector’s declaration shall be attested in accordance with the following paragraphs of this regulation except where the declarant has on a previous occasion made such a declaration in pursuance of which he was registered in a register of parliamentary electors and, since being so registered, he has not been included in any register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words “local government” were substituted for the word “parliamentary” in the second place where it occurs.

(2) An overseas elector’s declaration shall be attested by the bearer of a British passport which describes his national status as a “British citizen” who—

- (a) is not resident in the United Kingdom;
- (b) is aged 18 years or over, and
- (c) is not the [<sup>F7</sup>spouse, civil partner], parent, grandparent, brother, sister, child or grandchild of the declarant.

(3) A person shall not attest an overseas elector’s declaration unless he is satisfied, to the best of his knowledge and belief, that the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration.

(4) A person attesting an overseas elector’s declaration shall record on it—

- (a) his full name and address;
- (b) that he is the bearer of a British passport which describes his national status as “British citizen” and the number of that passport together with its date and place of issue;
- (c) that he is aged 18 years or over;
- (d) that he is not resident in the United Kingdom on the date of the declaration;
- (e) that he is not the [<sup>F8</sup>spouse, civil partner], parent, grandparent, brother, sister, child or grandchild of the declarant; and

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(f) that, to the best of his knowledge and belief, the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration;  
and he shall sign the declaration.

#### Textual Amendments

- F7** Words in [reg. 20\(2\)\(c\)](#) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(4\)](#)
- F8** Words in [reg. 20\(4\)\(e\)](#) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(4\)](#)

#### Commencement Information

- I7** Reg. 20 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Transmission of overseas elector's declaration

**21.** An overseas elector's declaration shall be transmitted to the registration officer for that part of a constituency within which is situated the address specified in the declaration in accordance with section 2(4) of the 1985 Act.

#### Commencement Information

- I8** Reg. 21 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Notification about registration as overseas elector

**22.—(1)** Where the registration officer is satisfied that the declarant qualifies as an overseas elector under the provisions of sections 1 and 2 of the 1985 Act, he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector's declaration because—

- (a) in his opinion the declarant does not qualify as an overseas elector under section 1 of the 1985 Act, or
- (b) the declaration does not satisfy the requirements of section 2 of the 1985 Act or regulation 18 or 20 above, or
- (c) in the case of a person to whom regulation 19 above applies, the requirement in that regulation has not been complied with,

he shall return the declaration to the declarant and set out his reasons for rejecting the application for registration.

(3) For the purposes of the application of this regulation by regulation 13(6) above, paragraphs (1) and (2) above shall have effect as if, in addition to the modifications made by that regulation—

- (a) in paragraph (1), for the words “sections 1 and 2” there were substituted the words “sections 2 and 3”, and
- (b) in paragraph (2), for the words “section 1” there were substituted the words “section 3”.

#### Commencement Information

- I9** Reg. 22 in force at 16.2.2001, see [reg. 1\(1\)](#)

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