
STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART III

REGISTRATION

INFORMATION ABOUT ELECTORS

Power to require information

23.—(1) A registration officer may require any person to give information required for the purposes of that officer's duties in maintaining registers of parliamentary and local government electors.

(2) If any person—

(a) fails to comply with ^{F1}...

^{F1}(b)

any such requisition of the registration officer, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F1 Reg. 23(2)(b) and word omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 3

Commencement Information

I1 Reg. 23 in force at 16.2.2001, see [reg. 1\(1\)](#)

Evidence as to age and nationality

24.—(1) Where a registration officer has doubts about a person's age or nationality, he may require that person to produce such evidence as is specified in paragraph (2) below for the purposes of registration.

(2) The evidence which the registration officer may require is as follows—

(a) a birth certificate or a statutory declaration as to the person's date of birth;

(b) a certificate of naturalisation;

(c) where a person has made an overseas elector's declaration, further evidence of his status as a British citizen including a document showing that he has become a British citizen by virtue of registration;

(d) in any other case—

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- (i) a document showing that he has become a Commonwealth citizen by virtue of registration; or
- (ii) a statutory declaration that he is a qualifying Commonwealth citizen or citizen of the Republic of Ireland or a relevant citizen of the Union.

(3) If any fee is payable in connection with the making of a declaration for the purposes of this regulation, the registration officer shall pay that fee and it shall be treated as part of his registration expenses within the meaning of section 54(1) of the 1983 Act⁽¹⁾.

(4) Any such declaration shall be made available for inspection at the registration officer's office until the determination of the application for registration and of any objections duly made to it.

[^{F2}(4A) Paragraph (4) does not apply where the declarant has, or has applied for, an anonymous entry.]

(5) This regulation does not apply where an application for registration is made in pursuance of a service declaration.

(6) In this regulation "qualifying Commonwealth citizen" has the same meaning as in section 4 of the 1983 Act⁽²⁾.

Textual Amendments

F2 Reg. 24(4A) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 4

Commencement Information

I2 Reg. 24 in force at 16.2.2001, see [reg. 1\(1\)](#)

Reminders to electors registered pursuant to a declaration

25.—(1) This regulation applies in respect of a person registered in pursuance of—

- (a) a service declaration;
- (b) a declaration of local connection; and
- (c) an overseas elector's declaration.

(2) Subject to paragraph (4) below, the registration officer shall, during the relevant period, send to a person to whom this regulation applies a reminder of the need to make a fresh declaration if he wishes to remain registered as an elector in pursuance of such a declaration.

(3) In paragraph (2) above "the relevant period" means the period beginning nine months after the date when the existing entry in a register of the person in question first takes effect and ending ten months after that date.

(4) Paragraph (2) above does not apply in respect of a person to whom this regulation applies where—

- (a) the registration officer has already received from that person a fresh declaration, or
- (b) information which the registration officer has received indicates that that person is no longer entitled to make the relevant declaration.

(1) Section 54 was amended by Schedule 4 to the 1985 Act.

(2) Section 4 was substituted by section 1(2) of the 2000 Act.

Commencement Information

I3 Reg. 25 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F3}Reminders to persons who have an anonymous entry

25A.—(1) This regulation applies to each person who has an anonymous entry.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to a person to whom this regulation applies a reminder that—

- (a) his entitlement to registration will terminate at the end of the period of 12 months beginning with the date on which his entry in the register first took effect;
- (b) if he wishes to remain entered in the register after that period, he must make a fresh application for registration in accordance with the requirements prescribed for the purposes of section 10A(1)(a) of the 1983 Act;
- (c) if he wishes to remain entered in the register anonymously, the application for registration must be accompanied by a fresh application for an anonymous entry.

(3) Paragraph (2) does not apply where the registration officer has already received from that person a fresh application for registration made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) which is accompanied by a fresh application for an anonymous entry.

(4) In this regulation, “the relevant period” must be construed in accordance with regulation 25(3)(a).]

Textual Amendments

F3 Reg. 25A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 5

Applications for registration

26.—(1) An application for registration as a parliamentary or local government elector (or both) under section 10A(1)(a) or 13A(1)(a) of the 1983 Act⁽³⁾ shall [^{F4}, in addition to the requirements of section 10A(1A) and 13A(2A) of that Act,] state—

- (a) the applicant’s full name;
- (b) the address in respect of which the applicant applies to be registered and at which he is resident on the date of the application;
- (c) any address in respect of which the applicant is currently registered as an elector, if he has ceased to reside at that address;
- (d) in the case of an applicant who has not attained the age of 18 years, his date of birth.
- [^{F5}(e) in the case of an applicant [^{F6}whose application is not accompanied by an application for an anonymous entry and] who requests that his name and address be omitted from the edited version of the register, that request]
- [^{F7}(f) except in the case of a person applying to be registered in pursuance of an overseas elector’s declaration, the applicant’s nationality;]

(3) Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

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[^{F8}(g) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.]

(2) In the case of a person applying to be registered as a parliamentary or local government elector (or both) in pursuance of a service declaration, a declaration of local connection or an [^{F9}overseas elector's declaration], the declaration in question shall accompany the application.

(3) An application [^{F10}for registration] shall include a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) above are true;
- (b) subject to paragraph (5) below, in the case of an application by a relevant citizen of the Union for registration as a local government elector, he is such a citizen; and
- (c) in any other case, but subject to paragraph (5) below, he is a Commonwealth citizen or citizen of the Republic of Ireland.

(4) An application for registration shall be made in writing to the registration officer and be signed and dated by the applicant.

(5) Paragraph (3)(b) and (c) above does not apply to a person applying to be registered in pursuance of a service declaration or an overseas elector's declaration.

[^{F11}(6) Where the registration officer provides the form on which an application for registration is made, the form of words in [^{F12}Part 2 of the Schedule, or a form of words to the same effect, to the Representation of the People (Form of Canvass) (Scotland) Regulations 2006] must form part of, or accompany, the application form.

(7) Where an application for registration is made otherwise than on a form provided by the registration officer, that officer must on or before the determination of the application send to the applicant the form of words referred to in paragraph (6) above and must, at the same time, inform the applicant, in writing, that he may, before the end of the period of 21 days, starting with the day on which the officer sends that form of words to the applicant, make a request, in writing, to the registration officer that his name and address be excluded from the edited version of the register.

(8) Where an applicant does not reply to the registration officer within the period of 21 days mentioned in paragraph (7) above, the registration officer shall assume that the applicant does not request that his name and address be excluded from the edited version of the register.

(9) Where an applicant does reply to the registration officer within the period of 21 days mentioned in paragraph (7) above and in his response requests that his name and address be excluded from the edited version of the register, that request shall be treated as part of the application for registration.]

[^{F13}(10) Paragraphs (6) to (9) do not apply to an application for registration which is accompanied by an application for an anonymous entry.]

Textual Amendments

- F4** Words in reg. 26(1) inserted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), 7(2)
- F5** Reg. 26(1)(e) inserted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), 7(3)
- F6** Words in reg. 26(1)(e) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 6(2)
- F7** Reg. 26(1)(f) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 2
- F8** Reg. 26(1)(g) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 6(3)

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- F9** Words in reg. 26(2) substituted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), 7(4)
- F10** Words in reg. 26(3) substituted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), 7(5)
- F11** Reg. 26(6)-(9) inserted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), 7(6)
- F12** Words in reg. 26(6) substituted (20.7.2006) by The Representation of the People (Form of Canvass) (Scotland) Regulations 2006 (S.I. 2006/1836), regs. 1(1), 4(1)
- F13** Reg. 26(10) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 6(4)

Commencement Information

- I4** Reg. 26 in force at 16.2.2001, see [reg. 1\(1\)](#)

Objections to registration

- 27.—(1) Any objection to a person’s registration shall state—
- (a) the name of the person against whom the objection is made;
 - (b) ^[F14]in the case of an objection made before that person is entered in the register,] the address of that person as given in the application for registration;
 - ^[F15](ba) in the case of an objection made after that person is entered in the register, the electoral number and qualifying address of that person contained in the register;]
 - (c) the grounds of the objection;
 - (d) the name of the objector and his address as shown in the register (if so shown) together with the address to which correspondence should be sent if that address is different or if no address is shown in the register; and
 - (e) the electoral number of the objector.
- (2) An objection shall be made in writing and be signed and dated by the person objecting.
- (3) In this Part of these Regulations “objection” includes representations made against an application for registration under section 13A(1)(a) of the 1983 Act.

Textual Amendments

- F14** Words in reg. 27(1)(b) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 7(2)
- F15** Reg. 27(1)(ba) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 7(3)

Commencement Information

- I5** Reg. 27 in force at 16.2.2001, see [reg. 1\(1\)](#)

Inspection of applications and objections

28.—^[F16](1) An application for registration and any objection to a person’s registration shall be made available for inspection at the registration officer’s office until the application or objection has been determined by the registration officer.

^[F17](2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.]

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Textual Amendments

- F16** Reg. 28 renumbered as reg. 28(1) (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **8(2)**
- F17** Reg. 28(2) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **8(3)**

Commencement Information

- I6** Reg. 28 in force at 16.2.2001, see [reg. 1\(1\)](#)

Determination of applications and objections

Procedure for determining applications for registration and objections without a hearing

29.—(1) A registration officer shall discharge his functions of determining an application for registration under section 10A(1) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act in accordance with this regulation and regulations 30 [^{F18}to 31A] below.

[^{F19}(2) The registration officer must keep separate lists of—

- (a) applications for registration, other than applications accompanied by an application for an anonymous entry;
- (b) objections made before the person against whom the objection is made is entered in the register;
- (c) objections made after the person against whom the objection is made is entered in the register.

(2A) On receipt of an application (other than an application accompanied by an application for an anonymous entry) the registration officer must enter the name of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

(2B) On receipt of an objection made before the person against whom the objection is made is entered in the register, the registration officer must enter—

- (a) in the list he keeps in pursuance of paragraph (2)(b), the name and qualifying address of the objector together with the particulars referred to in paragraph (2A); and
- (b) in the list he keeps in pursuance of paragraph (2)(a), the particulars of the objection.

(2C) On receipt of any other objection, the registration officer must enter the name and qualifying address of the objector together with the particulars referred to in paragraph (2A) in the list he keeps in pursuance of paragraph (2)(c).]

(3) The registration officer may ask for further information and take no further action until such information is supplied, if he is of the opinion that the particulars given in the application or objection are insufficient.

(4) [^{F20}Subject to paragraph (4A),] the registration officer may allow an application without a hearing provided that no objection is made within [^{F21}the period of five days beginning with the day following] the entry of the application in the list of applications.

[^{F22}(4A) In the case of an application for registration accompanied by an application for an anonymous entry, the registration officer may allow the former application without a hearing at any time.]

(5) The registration officer may disallow an objection if he is of the opinion that the objector is not entitled to object ^{F23}...; and he shall so inform the objector.

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[^{F24}(5A) The registration officer may disallow an objection without a hearing if he is of the opinion that the objection is clearly without merit.

(5B) Where the registration officer disallows an objection under paragraph (5A), he must send to the objector a notice stating that the application has been disallowed on that basis and the grounds for his opinion.

(5C) An objector may require the objection to be heard by giving notice to the registration officer within three days from the date of the notice given under paragraph (5B).

(5D) A notification under paragraph (5C) is not to prevent the application to which the objection relates from being allowed.]

(6) The registration officer may send to the applicant or objector a notice stating his opinion that an application or objection cannot be allowed because—

- (a) the matter has been concluded by the decision of a court, or
- (b) the particulars given in the application or objection do not entitle the applicant or objector to succeed.

(7) In cases to which paragraph (6) applies, the registration officer shall state the grounds for his opinion and that he intends to disallow the application or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the application or objection to be heard; and if he receives no such notice within that time, he may disallow the application or objection.

[^{F25}(8) In this regulation, “qualifying address” includes the address specified in an overseas elector's declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act.]

Textual Amendments

- F18** Words in [reg. 29\(1\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(2\)](#)
- F19** [Reg. 29\(2\)-\(2C\)](#) substituted for [reg. 29\(2\)](#) (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(3\)](#)
- F20** Words in [reg. 29\(4\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(4\)](#)
- F21** Words in [reg. 29\(4\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(5\)](#)
- F22** [Reg. 29\(4A\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(6\)](#)
- F23** Words in [reg. 29\(5\)](#) omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(7\)](#)
- F24** [Reg. 29\(5A\)-\(5D\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(8\)](#)
- F25** [Reg. 29\(8\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [9\(9\)](#)

Commencement Information

- I7** [Reg. 29](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Notice of hearing

30.—(1) The registration officer shall, unless he allows or disallows the application or objection under regulation 29 above, send a notice—

- (a) in the case of an application, to the person making the application, and

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- (b) in the case of an objection, to the objector and the person objected to, stating—
 - (i) the time and place at which he proposes to hear the application or objection;
 - (ii) the name and address of the objector and the grounds of the objection (in the case of a notice sent to a person objected to).
- (2) The time fixed for the hearing of an application or objection shall not be earlier than the third day or later than the seventh day after the date of the notice referred to in paragraph (1) above.

Commencement Information

I8 Reg. 30 in force at 16.2.2001, see [reg. 1\(1\)](#)

Hearing of applications and objections

- 31.**—(1) The persons entitled to appear and be heard are as follows—
- (a) on an application, the applicant;
 - (b) on an objection, the objector and the person objected to;
 - (c) on an application or an objection, any other person who appears to the registration officer to be interested.
- (2) The right to appear and be heard includes the right to make written representations.
- (3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.
- (4) The registration officer may, at the request of any person entitled to appear and be heard or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath or affirmation and may administer the oath or affirmation for the purpose.

Commencement Information

I9 Reg. 31 in force at 16.2.2001, see [reg. 1\(1\)](#)

^{F26}Objections relating to applications that have been allowed, but before alterations to register have taken effect

- 31A.**—(1) This regulation applies where—
- (a) an application for registration has been allowed (whether without or following a hearing); and
 - (b) either—
 - (i) an objection is later made to that application, or
 - (ii) an objector whose objection in respect of that application has been disallowed in pursuance of regulation 29(5A) notifies the registration officer, in accordance with regulation 29(5C), that he requires the objection to be heard, and
 - (c) no alteration to the register has yet taken effect in respect of that application by virtue of section 13(5), 13A(2) or 13B(3) of the 1983 Act.
- (2) Where the registration officer—
- (a) is able to determine the objection before the alteration to the register is due to take effect; and
 - (b) allows the objection,

the application is to be treated as if it had been disallowed.

(3) Where the registration officer is not able to determine the objection before the alteration to the register is due to take effect, the objection is to be treated as if it was made after the person against whom it is made is entered in the register.

(4) Where paragraph (3) applies, the registration officer must transfer the entry relating to the objection from the list he keeps in pursuance of paragraph (2)(b) of regulation 29 to the list he keeps in pursuance of paragraph (2)(c) of that regulation.]

Textual Amendments

F26 Reg. 31A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **10**

[^{F27}Other determinations by registration officer of entitlement to registration

31B.—(1) A registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 31C to 31F.

(2) The functions specified in this paragraph are—

- (a) determining, under the following provisions, whether a person was entitled to be registered—
 - (i) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), and 15(2)(aa) of the 1983 Act, and
 - (ii) section 2(2)(aa) of the 1985 Act;
- (b) determining under section 10A(5)(b) of the 1983 Act whether a person—
 - (i) was entitled to be registered;
 - (ii) has ceased to be resident at the address in respect of which he is entered in the register or otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

Textual Amendments

F27 Regs. 31B-31F inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **11**

Summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration

31C.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 31B(2)(b)(ii) without following the procedure set out in regulations 31D to 31F.

(2) The circumstances specified in this paragraph are where the registration officer—

- (a) has received an application under regulation 26 which includes a statement to which paragraph (1)(c) of that regulation refers;
- (b) has received a notice under regulation 37;
- (c) has been given information by the elector that he has ceased to reside at the address in question or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;

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- (d) has been notified by a relative or executor of the elector or by the Registrar General of Births, Deaths and Marriages for Scotland that the elector has died.
- (3) In paragraph (2)–
- “elector” means a person who is duly entered in a register in respect of an address;
- “relative” means a spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Textual Amendments

F27 Regs. 31B-31F inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **11**

Procedure for reviewing entitlement to registration

31D.—(1) A registration officer may, for the purposes of making a determination of the nature specified in regulation 31B(2), conduct a review in respect of a person entered in the register.

(2) Where the registration officer is not satisfied that the subject of the review is entitled to be registered, he must–

- (a) send to that person such notice, of a kind specified in paragraph (4), as he considers appropriate; and
 - (b) enter the review in the list kept in pursuance of regulation 31E.
- (3) Paragraph (2)(b) does not apply where the subject of a review has an anonymous entry.
- (4) A notice is specified for the purposes of this paragraph if it–
- (a) states that the registration officer is of the opinion that the subject of the review is not entitled to be registered and the grounds for his opinion;
 - (b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice or requires him to make a declaration under regulation 24 or both; or
 - (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.
- (5) Where–
- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(a); and
 - (b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

- (6) Paragraph (7) applies where–
- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(b); and
 - (b) that person does not respond to the registration officer’s satisfaction, or at all, within the period of 28 days beginning with the date of that notice.

(7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person is entitled to be registered and the grounds for his opinion.

- (8) Where–

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- (a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (7); and
- (b) the subject of the review does not, within the period of 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(9) In making a determination under paragraph (5) or (8), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

(10) In this regulation and regulations 31E and 31F—

“review” must be construed in accordance with paragraph (1);

“the subject of the review” means the person in respect of whom the review is conducted.

Textual Amendments

F27 Regs. 31B-31F inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **11**

List of reviews

31E.—(1) The registration officer must keep a list of reviews.

(2) The list must contain, in relation to each review, the following particulars—

- (a) the full name of the subject of the review;
- (b) his electoral number;
- (c) his qualifying address; and
- (d) the reason for the review.

(3) The list must be made available for inspection at the registration officer’s office.

(4) This regulation does not apply to any review where the subject of the review has an anonymous entry.

Textual Amendments

F27 Regs. 31B-31F inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **11**

Hearings of reviews

31F.—(1) Where the registration officer determines that a hearing of the review should be conducted, the notice given under regulation 31D(4)(c) must also state the time and place at which he proposes to hear the review.

(2) Where the subject of the review requires the review to be heard, the registration officer must send to that person a notice stating the time and place at which he proposes to hear the review.

(3) The time fixed for the hearing must not be earlier than the third day after the date of the notice in which that time is stated.

(4) The persons entitled to appear and be heard are—

Status: Point in time view as at 24/12/2008.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

- (a) the subject of the review;
- (b) any other person who appears to the registration officer to be interested.

(5) Paragraphs (2) to (4) of regulation 31 apply to the hearing of a review as they apply to the hearing of an application for registration or objection.

(6) The registration officer may determine that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, despite the failure of that person (or any other person entitled to appear and be heard) to attend.

(7) In making a determination under paragraph (6), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.]

Textual Amendments

F27 Regs. 31B-31F inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **11**

[^{F28} **Anonymous registration: applications and declarations**

31G.—(1) An application for an anonymous entry must state—

- (a) the applicant’s full name;
- (b) the address given in accordance with regulation 26(1)(b);
- (c) the reason for the application; and
- (d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by evidence of the nature prescribed in regulation 31I or 31J.

(4) Where the evidence mentioned in paragraph (3) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) are true;
- (b) so far as he is aware, the evidence provided in pursuance of paragraph (3) is genuine; and
- (c) where paragraph (4) applies—
 - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
 - (ii) so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

Textual Amendments

F28 Regs. 31G-31J inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **12** (with reg. 56)

Anonymous registration: determination of applications by registration officer

31H.—(1) Paragraph (2) applies where—

- (a) the registration officer determines that the applicant for an anonymous entry is entitled to be registered; and
- (b) the application for an anonymous entry is made in accordance with regulation 31G(1), (2) and (5).

(2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where he is satisfied—

- (a) that the evidence provided in support of the application in pursuance of regulation 31G(3) constitutes evidence of the nature prescribed in regulation 31I or 31J; and
- (b) in the case of an application where regulation 31G(4) applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

Textual Amendments

F28 Regs. 31G-31J inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **12** (with reg. 56)

Anonymous registration: evidence consisting of relevant court orders or injunctions

31I.—(1) Evidence which meets the following conditions is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

- (a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997;
- (b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997;
- (c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997;
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
- (e) a non harassment order made under section 8(5)(b)(ii) of the Protection from Harassment Act 1997;
- (f) a non harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995;
- (g) a non molestation order made under section 42(2) of the Family Law Act 1996.

(4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—

- (a) the applicant for an anonymous entry; or
- (b) another person of the same household as him.

(5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

Status: Point in time view as at 24/12/2008.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

Textual Amendments

F28 Regs. 31G-31J inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 12 (with reg. 56)

Anonymous registration: evidence by attestation

31J.—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The attestation must—

- (a) certify that the safety of the applicant, or of another named person of the same household as him, would be at risk if the register contained the name of the applicant or his qualifying address;
- (b) state the date on which it is made; and
- (c) be in writing and signed by a qualifying officer.

(3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.

(4) Qualifying officer means—

- (a) the chief officer of police of any police force in England and Wales;
- (b) the chief constable of any police force in Scotland;
- (c) the Chief Constable of the Police Service of Northern Ireland;
- (d) the Director General of the Security Service;
- (e) the Director General of the Serious Organised Crime Agency;
- (f) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968;
- (g) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970;
- (h) any director of children’s services in England within the meaning of section 18 of the Children Act 2004;
- (i) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970.]

Textual Amendments

F28 Regs. 31G-31J inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 12 (with reg. 56)

Registration appeals

32.—^{F29}(1) This regulation makes provision in connection with the right of appeal—

- (a) under section 56(1)(a) of the 1983 Act, from the decision of a registration officer regarding an application for registration;
- (b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31C to 31F that a person was not entitled to be registered or,

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as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;

(c) under section 56(1)(ab) of the 1983 Act, from a determination of the registration officer under section 9B(2) of the 1983 Act, made in accordance with regulation 31H.]

(2) A person desiring to appeal must—

(a) give notice of appeal to the registration officer and to the opposite party (if any) when the decision is given, or within 14 days thereafter, and

(b) specify the grounds of appeal.

(3) The registration officer shall forward any such notice and grounds of appeal to the sheriff together, in each case, with—

(a) a statement of the material facts which in his opinion have been established in the case, and

(b) his decision upon the whole case and on any point which may be specified as a ground of appeal;

and the registration officer shall also give the sheriff such further information as the sheriff may require and which the registration officer is able to give.

(4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the sheriff of this to enable the sheriff (if he thinks fit) to consolidate the appeals or select a case as a test case.

Textual Amendments

F29 Reg. 32(1) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **13**

Commencement Information

I10 Reg. 32 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F30}Representations regarding clerical errors

32A.—(1) For the purposes of section 13B(3C) of the 1983 Act a representation may be made orally or in writing.

(2) Where a representation is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the relevant registration officer.]

Textual Amendments

F30 Reg. 32A inserted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **24(4)**

Circumstances when the power in section 10A(5)(b) of the 1983 Act applies

^{F31}33.

Status: Point in time view as at 24/12/2008.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

Textual Amendments

F31 Reg. 33 omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **14(1)**

Retaining entries in register

34.—(1) This regulation sets out the circumstances when a registration officer's duty to remove a person's entry from the register of parliamentary or local government electors under section 10A(6) of the 1983 Act(4) does not apply.

(2) Those circumstances are that—

(a) on the conclusion of a canvass under section 10 of the 1983 Act(5) the registration officer is unable to satisfy himself that a person duly entered in a register in respect of any address was, on the 15th October in question, resident at that address because—

- (i) the form mentioned in section 10(4) of that Act was not returned in respect of that address, or
- (ii) for any other reason, insufficient information was obtained as to whether that person was resident at that address on that date;

(b) the registration officer has no information which suggests that that person is no longer so resident; and

[^{F32}(c) that person was registered at that address otherwise than in pursuance of—

- (i) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act, or
- (ii) a declaration of local connection, a service declaration or an overseas elector's declaration.]

(3) Where the circumstances set out in this regulation apply, the registration officer is authorised to retain the entry of the person concerned in such a register for the period expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act(6) in the year next following that in which the canvass referred to in paragraph (2)(a) above was conducted.

Textual Amendments

F32 Reg. 34(2)(c) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **14(2)**

Commencement Information

I11 Reg. 34 in force at 16.2.2001, see [reg. 1\(1\)](#)

Registration officer's right to inspect certain records

35.—(1) A registration officer is authorised to inspect, for the purpose of his registration duties, records kept (in whatever form) by—

- (a) an authority listed in paragraph (2) below, or
- (b) any person providing services to, or authorised to exercise any function of, any such authority.

(4) Section 10A was inserted by Schedule 1 to the 2000 Act.

(5) Section 10 was substituted by Schedule 1 to the 2000 Act.

(6) Section 13 was substituted by Schedule 1 to the 2000 Act.

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- (2) Those authorities are—
 - (a) the council by which he was appointed; and
 - (b) a registrar of births, deaths and marriages.
- (3) A registration officer is authorised to make copies of information contained in such records.

Commencement Information

I12 Reg. 35 in force at 16.2.2001, see [reg. 1\(1\)](#)

Notices in connection with registration

- 36.**—(1) A notice under section 13(3) of the 1983 Act⁽⁷⁾ must be published—
- (a) not less than 14 days before the publication of the revised version of the register to which it relates;
 - (b) in a newspaper circulating in the area for which the registration officer acts, and
 - (c) by posting a copy of it at his office and in some conspicuous place or places in that area.
- (2) A notice under section 13A(2) or 13B(3) [^{F33}, (3B) or (3D)] of that Act must be issued by—
- [^{F34}(a) making a copy of it available for inspection under supervision—
- (i) at his office, and
 - (ii) at such places, if any, in his registration area as allow members of the public in that area reasonable facilities for that purpose;
 - (aa) supplying copies of it in accordance with Part VI of these Regulations;]
 - (b) except in a case falling within [^{F35}regulation 31C(2)(d)] above, sending a copy of it to any person affected by its contents.
- [^{F36}(3) For the purposes of section 13B(3A) and (3C) of the 1983 Act the prescribed time on the day of the poll is 9 p.m..]

Textual Amendments

- F33** Words in [reg. 36\(2\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(3\)\(a\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [25\(2\)](#)
- F34** [Reg. 36\(2\)\(a\)](#) substituted (with effect in accordance with [reg. 2\(3\)](#) of the amending S.I.) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), [regs. 2\(2\)](#), [8](#)
- F35** Words in [reg. 36\(2\)\(b\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [14\(3\)](#)
- F36** [Reg. 36\(3\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(3\)\(a\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [25\(3\)](#)

Commencement Information

I13 Reg. 36 in force at 16.2.2001, see [reg. 1\(1\)](#)

(7) Sections 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

Status: Point in time view as at 24/12/2008.

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[^{F37}Communication of notices made on polling day

36A.—(1) Where a notice is issued under section 13B(3B) or (3D) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the relevant presiding officer.

(2) Such steps may include communicating the notice to the presiding officer by telephone.

(3) Where a notice issued under section 13B(3B) or (3D) of the 1983 Act is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.]

Textual Amendments

F37 Reg. 36A inserted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 26

Notice by registration officer of a change of address

37.—(1) This regulation applies where a registration officer receives an application for registration which includes a statement given in accordance with regulation 26(1)(c) above.

(2) Where the address given in the statement received by the registration officer (“the new registration officer”) is in an area for which another registration officer (“the former registration officer”) acts, the new registration officer shall as soon as practicable notify the former registration officer that the applicant no longer resides in his area.

Commencement Information

I14 Reg. 37 in force at 16.2.2001, see [reg. 1\(1\)](#)

The register

Separate part of register for each parliamentary polling district

38.—(1) The register shall be framed in separate parts for each parliamentary polling district.

(2) Where a parliamentary polling district is contained in more than one electoral area, there shall be a separate part of the register for each part of the polling district contained in each electoral area.

Commencement Information

I15 Reg. 38 in force at 16.2.2001, see [reg. 1\(1\)](#)

Different letter, number or combination of letter and number for each parliamentary polling district

39. There shall be a different letter or letters, number or numbers, or combination of letter and number or letters and numbers in the register for each parliamentary polling district and such letter or letters, number or numbers, or combination shall form part of an elector’s number in the register.

Commencement Information

I16 Reg. 39 in force at 16.2.2001, see [reg. 1\(1\)](#)

Qualifying addresses which are not included in the register

40.—(1) Section 9(2)(b) of the 1983 Act⁽⁸⁾ (which requires each register of parliamentary or local government electors to contain the qualifying addresses of the persons registered in it) does not apply to an address—

- (a) to which paragraph (2) or (3) below applies, or
- (b) which is specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act⁽⁹⁾.

(2) This paragraph applies to an address where it appears to the registration officer that—

- (a) a service voter in his service declaration, or
- (b) a person who has made a declaration of local connection,

has given that address in such a declaration as an address—

- (i) at which he has resided, but
- (ii) which is not an address at which he is or would be residing but for the circumstances entitling him to make such a declaration.

(3) This paragraph applies to an address given in a declaration of local connection in accordance with section 7B(4)(b) of the 1983 Act⁽¹⁰⁾.

Commencement Information

I17 Reg. 40 in force at 16.2.2001, see [reg. 1\(1\)](#)

Order of names

41.—(1) Subject to paragraphs (2) and (3) below, the names and addresses of each separate part of the register shall be arranged in street order.

(2) If the registration officer determines for any part of the register that street order is not reasonably practicable, the names and addresses shall be arranged in alphabetical order or partly in street order and partly in alphabetical order.

(3) The names of each person whose qualifying address is not contained in a register by virtue of regulation 40 above shall be grouped together in alphabetical order—

- (a) at the end of that part of the register to which the address relates;
- (b) beneath the heading “Other electors”, and
- (c) without giving that address.

Commencement Information

I18 Reg. 41 in force at 16.2.2001, see [reg. 1\(1\)](#)

⁽⁸⁾ Section 9 was substituted by Schedule 1 to the 2000 Act.

⁽⁹⁾ Section 2 was substituted by Schedule 2 to the 2000 Act.

⁽¹⁰⁾ Section 7B was inserted by section 6 of the 2000 Act.

Status: Point in time view as at 24/12/2008.

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^{F38} Anonymous entries

41A.—(1) An anonymous entry of a person consists of that person’s electoral number with the letter “N” placed against it.

- (2) The entry is to be entered in the register—
- (a) at the end of the part of the register which relates to the qualifying address of the person entitled to the entry;
 - (b) beneath the heading of “Other electors” as mentioned in regulation 41(3)(b); and
 - (c) following the names grouped together beneath that heading in pursuance of that regulation.]

Textual Amendments

F38 Reg. 41A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **15**

Marking of names

42.—(1) Where no mark appears against a person’s [^{F39}entry] in the register of electors, this indicates that he is registered in the registers of parliamentary and local government electors.

(2) To indicate that a relevant citizen of the Union is registered only in the register of local government electors, the letter “G” shall be placed against his [^{F39}entry].

(3) To indicate that such a citizen is registered in both that register and the register of such citizens registered as European Parliamentary electors, the letter “K” shall be placed against his [^{F39}entry].

(4) To indicate that such a citizen is registered only in the register of citizens registered as European Parliamentary electors, the letter “U” should be placed against his [^{F39}entry].

(5) To indicate that any other person is registered only in the register of local government electors, the letter “L” shall be placed against his [^{F39}entry].

(6) To indicate that an overseas elector is registered only in the register of parliamentary electors, the letter “F” shall be placed against his [^{F39}entry].

(7) To indicate that a European Parliamentary overseas elector is registered only in the register of such electors, the letter “E” shall be placed against his [^{F39}entry].

Textual Amendments

F39 Word in reg. 42 substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **16**

Commencement Information

I19 Reg. 42 in force at 16.2.2001, see [reg. 1\(1\)](#)

Publication of register

43.—^{F40}(1) The manner in which each revised version of the full register is to be published under section 13(1) and (3) of the 1983 Act is by the registration officer—

- (a) making a copy of it available for inspection under supervision—
- (i) at his office, and

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(ii) at such places, if any, in his registration area as allow members of the public in that area reasonable facilities for that purpose; and

(b) supplying copies of it in accordance with Part VI of these Regulations.

(1A) Where a copy of the full register is made available under paragraph (1)(a) above by providing the register on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

(a) search it by electronic means by reference to the name of any person, or

(b) copy or transmit any part of that copy by electronic, or any other, means.]

(2) The revised version of the register shall be kept published until the coming into force of the next revised version of it.

Textual Amendments

F40 Reg. 43(1)(1A) substituted for reg. 43(1) (with effect in accordance with reg. 2(3) of the amending S.I.) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(2), 9

Commencement Information

I20 Reg. 43 in force at 16.2.2001, see reg. 1(1)

Information about register

44.—(1) As soon as practicable after the publication of a revised version of the register under section 13(1) of the 1983 Act, the registration officer shall supply to the Secretary of State, the Scottish Ministers and the Registrar General of Births, Deaths and Marriages for Scotland, a document setting out the information about electors which is required by paragraphs (2) to (4) [F41 and (6)] below.

(2) The document referred to in paragraph (1) above shall state the name of the constituency (and, if only part of the constituency is situated in the area for which the registration officer acts, that fact) and shall list the following total numbers of electors in that constituency or part thereof, namely—

- (a) parliamentary electors (including those referred to in sub-paragraph (d) below);
- (b) local government electors (including those referred to in sub-paragraph (d) below);
- (c) those local government electors who are ineligible to vote at parliamentary elections; and
- (d) those registered in pursuance of section 4(5) of the 1983 Act(11).

(3) The document referred to in paragraph (1) above shall set out separately as respects those electors referred to in sub-paragraphs (a) and (d) of paragraph (2) above the following totals, namely—

- (a) those registered by virtue of residence at a qualifying address;
- (b) those registered in pursuance of a service declaration;
- (c) those registered in pursuance of an overseas elector's declaration; and
- (d) those registered in pursuance of a declaration of local connection.

(4) The document referred to in paragraph (1) above shall in respect of each relevant area in the constituency state—

- (a) its name or number;

(11) Section 4 was substituted by section 1(2) of the 2000 Act.

Status: Point in time view as at 24/12/2008.

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- (b) the letters, numbers or combinations, referred to in regulation 39 above for each parliamentary polling district in each relevant area (or part thereof); and
- (c) if only part of the relevant area is situated in the constituency, that fact;
- and shall list the following total numbers of electors in that area (or part thereof) namely—
- (i) parliamentary electors (including those referred to in sub-paragraph (ii)) below;
- (ii) those registered by virtue of section 4(5) of the 1983 Act; and
- (iii) those local government electors who are ineligible to vote at parliamentary elections.
- (5) In paragraph (4) above “relevant area” means an electoral ward in terms of section 5(5) of the Local Government etc. (Scotland) Act 1994⁽¹²⁾.
- [^{F42}(6) The document referred to in paragraph (1) shall state the total number of electors who have an anonymous entry.]

Textual Amendments

- F41** Words in [reg. 44\(1\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **17(1)**
- F42** [Reg. 44\(6\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **17(2)**

Commencement Information

- I21** [Reg. 44](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Preparation and publication of list of overseas electors

45.—(1) The registration officer shall prepare a list of the names of each person who appears to him to be entitled to be registered in pursuance of an overseas elector’s declaration (“the list of overseas electors”); and shall include in that list the address specified in that declaration in accordance with section 2(4) of the 1985 Act and regulation 18(1) above.

(2) In respect of each constituency which is wholly or partly comprised in the area for which the registration officer acts there shall be a separate part of the list of overseas electors; and the names of the persons included in each part shall be listed in alphabetical order.

(3) At the time when the registration officer publishes a revised version of the register under section 13(1) of the 1983 Act, he shall publish the list of overseas electors by making a copy of it available for inspection [^{F43}under supervision] at his office; and the list shall be kept so published until the next revised version of the register is published under section 13(1) of the 1983 Act.

(4) The name of a person appearing to the registration officer to be entitled to be registered in pursuance of a European Parliamentary overseas elector’s declaration (and included in the list of overseas electors by virtue of regulation 13(6) above) shall be marked with the letter “E”.

Textual Amendments

- F43** Words in [reg. 45\(3\)](#) inserted (with effect in accordance with [reg. 2\(3\)](#) of the amending S.I.) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), regs. 2(2), **10**

(12) 1994 c. 39.

Commencement Information

I22 Reg. 45 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F44}Record of anonymous entries

45A.—(1) The registration officer must keep a record of anonymous entries.

(2) The registration officer must enter in the record each person who is entered in the register with an anonymous entry.

(3) The entry in the record must contain the following particulars—

- (a) the full name of the person to whom the entry relates;
- (b) his electoral number;
- (c) his qualifying address;
- (d) where he has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;
- (e) the date on which the anonymous entry in the register took effect.

(4) Where the application of a person with an anonymous entry to vote by post is granted, the registration officer must also enter in the record the address to which the postal ballot paper should be sent as given in the application (in accordance with regulation 51(2)(d)).

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 18](#)

Duties of registration officer and his staff in relation to record of anonymous entries

45B.—(1) This regulation applies to—

- (a) the registration officer; and
- (b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his registration duties.

(2) Where the registration officer is also the returning officer at any election or counting officer at a referendum (and in consequence has access to the record of anonymous entries without being supplied with a copy of it), this regulation applies to—

- (a) the registration officer acting in that other capacity; and
- (b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his duties in respect of the election or referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the record;
- (b) disclose information contained in it; or
- (c) make use of such information,

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

Status: Point in time view as at 24/12/2008.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record.

(6) In this regulation and regulation 45C–

“counting officer” means the counting officer at a referendum held by or under any Act of Parliament;

“enactment” has the same meaning as in section 17(2) of the 2000 Act.

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

Supply of record of anonymous entries to returning and counting officers

45C.—(1) Paragraph (2) applies whenever the registration officer supplies a copy of the full register, or any part of it, to a returning officer or counting officer.

(2) The registration officer must supply–

- (a) together with the copy of the register, a copy of the record of anonymous entries;
- (b) together with any part of the register, a copy of the record so far as it relates to that part.

(3) A registration officer may supply a copy of the record to a returning officer or counting officer at any other time.

(4) No person to whom a copy of the record has been supplied under this regulation may–

- (a) supply a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

other than for the purposes of an election or referendum (as the case may be).

(5) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

Supply of record of anonymous entries to the security services

45D.—(1) This regulation applies where the registration officer supplies a copy of the full register to–

- (a) the Security Service;
- (b) the Government Communications Headquarters;
- (c) the Secret Intelligence Service.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

(2) The registration officer must supply a copy of the record of anonymous entries together with the register.

^{F45}(3)

^{F45}(4)

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

F45 Reg. 45D(3)(4) revoked (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), Sch. 1 para. 3(2), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2

Supply of the record of anonymous entries to police forces and other organisations

45E.—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to—

- (a) any police force in Great Britain;
- (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland (Reserve);
- (c) the Police Information Technology Organisation;
- (d) any body of constables established under an enactment; or
- (e) the Serious Organised Crime Agency.

(2) Senior officer means—

- (a) in the case of the forces and organisations mentioned in paragraph (1)(a) to (d), an officer of a rank senior to that of superintendent;
- (b) in the case of the Serious Organised Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may—

- (a) supply to any person a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
- (b) the vetting of a relevant person for the purpose of safeguarding national security.

(5) Relevant person means—

- (a) a constable or officer or prospective constable or officer of the force or organisation;
- (b) an employee of, or applicant for employment by, the force or organisation.

(6) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Status: Point in time view as at 24/12/2008.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

Certificate of anonymous registration

45F.—(1) Where a registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate of anonymous registration must state—

- (a) the name of the area for which the registration officer acts;
- (b) the name, electoral number and qualifying address of the person who has the anonymous entry;
- (c) the date on which the anonymous entry took effect;
- (d) that unless a fresh application for an anonymous entry is made, the entitlement to remain registered anonymously will terminate no later than at the end of the period of 12 months beginning with the date stated in accordance with sub paragraph (c).

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

Certificate of anonymous registration prescribed for purposes of paragraph 10(2) of Schedule 2A

45G. The evidence prescribed for the purposes of paragraph 10(2) of Schedule 2A to the 1983 Act is a certificate of anonymous registration.]

Textual Amendments

F44 Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

Supply of free copies of register and list of overseas electors otherwise than on request

^{F46}**46.**

Textual Amendments

F46 Regs. 46-49 revoked (with effect in accordance with reg. 2(3) of the amending S.I.) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), regs. 2(2), **3(2)(a)**

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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)

Supply of free copies of register and list of overseas electors on request

^{F46}47.

Textual Amendments

F46 Regs. 46-49 revoked (with effect in accordance with reg. 2(3) of the amending S.I.) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(2), **3(2)(a)**

Sale of register and list of overseas electors

^{F46}48.

Textual Amendments

F46 Regs. 46-49 revoked (with effect in accordance with reg. 2(3) of the amending S.I.) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(2), **3(2)(a)**

Supply of register and list of overseas electors in data form

^{F46}49.

Textual Amendments

F46 Regs. 46-49 revoked (with effect in accordance with reg. 2(3) of the amending S.I.) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(2), **3(2)(a)**

Status:

Point in time view as at 24/12/2008.

Changes to legislation:

Representation of the People (Scotland) Regulations 2001, PART III is up to date with all changes known to be in force on or before 04 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.