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STATUTORY INSTRUMENTS

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**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.

[<sup>F1</sup>(1A) A registration officer may not use the power conferred by paragraph (1) to require a person who has made an application under section 10ZC or 10ZD of the 1983 Act to provide information to assist the registration officer in determining, in connection with that application, whether the applicant is the person named in the application or is entitled to be registered.]

(2) If any person—

(a) fails to comply with <sup>F2</sup>...

<sup>F2</sup>(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(1A) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **7**

**F2** 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 <sup>F3</sup>...;

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**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 11 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)

- (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–
  - (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 <sup>F4</sup>a qualifying foreign national.]

<sup>F5</sup>(2A) Where a person has made an overseas elector’s declaration, the registration officer may require a copy of a document referred to in paragraph (2)(a) to (c).]

(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<sup>(1)</sup>.

(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.

<sup>F6</sup>(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<sup>(2)</sup>.

<sup>F7</sup>(7) In this regulation “qualifying foreign national” has the same meaning as in section 202(1) of the 1983 Act.]

#### Textual Amendments

- F3** Words in reg. 24(2)(a) omitted (10.6.2014) by virtue of The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), **8**
- F4** Words in reg. 24(2)(d)(ii) substituted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **3(a)**; S.S.I. 2020/162, reg. 2
- F5** Reg. 24(2A) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(2)** (with Sch. 2 para. 2(d))
- F6** 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**
- F7** Reg. 24(7) inserted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **3(b)**; S.S.I. 2020/162, reg. 2

#### Commencement Information

- I2** Reg. 24 in force at 16.2.2001, see **reg. 1(1)**

(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.

**Reminders to electors registered pursuant to a [<sup>F8</sup>service declaration or declaration of local connection]**

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

(a) a service declaration; [<sup>F9</sup>or]

(b) a declaration of local connection; <sup>F10</sup>...

<sup>F10</sup>(c) .....

(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.

[<sup>F11</sup>(3) In paragraph (2) “the relevant period” means—

(a) except in cases to which sub-paragraph (b) applies, 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, and

[<sup>F12</sup>(b) in the case of a person mentioned in section 14(1)(a) or (d) of the 1983 Act (members of the forces and their spouses or civil partners) who is registered in pursuance of a service declaration, the period beginning 57 months after the date when the existing entry in a register of the person in question first takes effect and ending 58 months after that date.]]

[<sup>F13</sup>(3A) Subject to paragraph (4) below, the registration officer must send a second reminder not less than 21 nor more than 28 days after the date of the sending of the first reminder.]

(4) [<sup>F14</sup>Paragraphs (2) and (3A) above do] 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.

[<sup>F15</sup>(5) In relation to the registration of local government electors, paragraphs (6) and (7) apply in the case of a person registered in pursuance of a service declaration made by virtue of a service qualification under section 14(1A) of the 1983 Act.

(6) The registration officer must send to the person a reminder that the person's declaration will cease to have effect, and that the person's entitlement to remain registered will cease, when the person attains the age of 18.

(7) The reminder must be sent as soon as practicable within the period of 3 months ending on the day on which the person attains the age of 18.]

**Textual Amendments**

**F8** Words in reg. 25 heading substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(3)(a)**

**F9** Word in reg. 25(1) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(3)(b)(i)**

**F10** Reg. 25(1)(c) and word omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(3)(b)(ii)**

**F11** Reg. 24(3) substituted (1.1.2007) by The Service Voters' Registration Period Order 2006 (S.I. 2006/3406), arts. 1(2), **4**

**F12** Reg. 25(3)(b) substituted (19.3.2010) by The Service Voters' Registration Period Order 2010 (S.I. 2010/882), arts. 1(2), **4**

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- F13** Reg. 25(3A) inserted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, **5(a)**
- F14** Words in reg. 25(4) substituted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, **5(b)**
- F15** Reg. 25(5)-(7) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **11(2)**, 21

#### Commencement Information

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

### [<sup>F16</sup>Reminders to overseas electors who have an anonymous entry

**25ZA.**—(1) This regulation applies to each person who—

- (a) is registered in pursuance of an overseas elector’s declaration, and
- (b) has an anonymous entry.

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

- (a) P’s entitlement to registration will terminate on the determined date, and
- (b) if P wishes to remain—
  - (i) entered in the register anonymously after that date, P must make a fresh application under section 9B(1)(b) of the 1983 Act for an anonymous entry;
  - (ii) entered in the register after that date without an anonymous entry, P must make a fresh application under section 10ZC of the 1983 Act together with a fresh overseas elector’s declaration.

(3) Paragraph (2) does not apply where the registration officer has already received from P a fresh application under section 9B(1)(b) or section 10ZC of the 1983 Act.

(4) A reminder under paragraph (2) may be sent to P’s address by post or sent to P by electronic means.

(5) In paragraph (2)—

“the determined date” is the date on which P’s entitlement to remain registered will terminate under section 9C(1)(a) of the 1983 Act;

“the reminder period” means the period beginning 3 months before and ending 2 months before the determined date.]

#### Textual Amendments

- F16** [Reg. 25ZA](#) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(4)** (with Sch. 2 para. 3(1)(2))

### [<sup>F17</sup>Reminders to [<sup>F18</sup>other] persons who have an anonymous entry

**25A.**—(1) This regulation applies to each person who has an anonymous entry [<sup>F19</sup>, other than a person registered in pursuance of an overseas elector’s declaration].

(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 <sup>F20</sup>section 10ZC(1)(b) 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

- F17** Reg. 25A inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 5
- F18** Word in reg. 25A heading inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(5)(a)**
- F19** Words in reg. 25A(1) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(5)(b)**
- F20** Words in reg. 25A(2)(b) substituted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), 9

#### <sup>F21</sup>Applications for registration

**26.**—(1) An application for registration as a parliamentary or local government elector (or both) under section 10ZC or an application for alteration in respect of address under section 10ZD of the 1983 Act (“an application”) must be in writing and must state—

- (a) the applicant’s full name <sup>F22</sup> ...;
- (b) except in the case of an application being made in pursuance of a service declaration or an overseas elector’s declaration, the address in respect of which the applicant applies to be registered and at which they are resident on the date of the application;
- (c) any address at which the applicant has ceased to reside within 12 months before the date of the application and, where that address is not in the United Kingdom <sup>F23</sup> and the application is not being made in pursuance of an overseas elector’s declaration], an indication of whether the person was registered in pursuance of an overseas elector’s declaration during this period;
- (d) <sup>F24</sup>except in the case of an application being made in pursuance of an overseas elector’s declaration,] an indication of whether the applicant is resident at any other address, including at any address in respect of which the applicant is currently registered as an elector and in respect of which the applicant claims to be entitled to remain registered;
- (e) the applicant’s date of birth or, if they are not able to provide that information, the reason why they are not able to do so and a statement as to whether the applicant is under 18 years old;
- (f) the applicant’s national insurance number or, if they are not able to provide that information, the reason why they are not able to do so;

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- (g) except in the case of a person applying to be registered in pursuance of an overseas elector's declaration, the applicant's nationality or nationalities or, if they are not able to provide that information, the reason why they are not able to do so;
- (h) an indication of whether the applicant requests that their name and address are omitted from the edited version of the register;
- (i) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact;
- (j) a declaration by the applicant that the information provided in the application is true; and
- (k) the date of the application.

[<sup>F25</sup>(1A) In relation to the registration of local government electors, where the applicant is not able to provide the applicant's date of birth, the statement referred to in paragraph (1)(e) must indicate whether the applicant is—

- (a) under the age of 16,
- (b) aged 16 or 17, or
- (c) aged 18 or older.]

[<sup>F26</sup>(1B) In relation to the registration of local government electors, where the applicant is a person to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies, an application under paragraph (1) must include the applicant's prisoner number.]

(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 overseas elector's declaration, an application under paragraph (1) must include the appropriate declaration.

(3) The Electoral Commission must design a paper application form which requires the information and declarations in paragraphs (1) [<sup>F27</sup>, (1A)] and (2) and includes—

- (a) a statement that the information provided in the application will be processed in accordance with [<sup>F28</sup>the data protection legislation] and as to what information will appear on the electoral register;
- (b) a statement that persons without lawful immigration status are ineligible to register to vote, and that registration officers may request checks in relation to an applicant's immigration status against Home Office records;
- [<sup>F29</sup>(ba) a statement that persons who are not qualifying Commonwealth citizens, citizens of the Republic of Ireland [<sup>F30</sup>or qualifying foreign nationals] are ineligible to register to vote at local government elections and that, in relation to an applicant's nationality, registration officers may require the applicant to provide additional information or may carry out checks against Government records;]
- (c) a statement that it is an offence to provide false information to the registration officer, together with a statement of the maximum penalty for that offence;
- [<sup>F31</sup>(ca) a statement that failure to provide an address at which the applicant has ceased to reside within 12 months before the date of the application or any other mandatory information requested on the form, may delay the registration process;]
- (d) space for a bar code, local authority reference number and security code unique to each form;
- (e) space for the email address and telephone number or numbers of the applicant and an explanation that provision of this information is not mandatory;
- [<sup>F32</sup>(ea) space for the applicant to provide their most recent previous name (if they have one) and an explanation that provision of this information is not mandatory but may assist the

registration officer in verifying the applicant’s identity, and that if the information is not provided then additional personal information may be required;]

<sup>F33</sup>(eb) . . . . .

- (f) space for the registration officer to include local authority information and details of how the registration officer may be contacted;
- (g) an indication of whether the applicant wishes to be able to cast an absent vote;
- (h) an explanation of what the edited register is, using the short version of the form of words prescribed by regulation 47 of and Schedule 3 to the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013; and
- (i) the web site address of the digital service.

[<sup>F34</sup>(3A) In relation to the registration of local government electors, the paper application form under paragraph (3) must also include an explanation of how information about applicants under the age of 16 will be held and used.]

(4) The paper application form for persons applying to be registered in pursuance of a service declaration must—

- (a) instead of the information required in paragraph (1)(b), request the applicant’s correspondence address or British Forces Post Office Number;
- (b) in the case of an application in pursuance of a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act), also include a statement that the applicant must renew their application for registration every 5 years but may cancel it at any time.

[<sup>F35</sup>(c) [<sup>F36</sup>in relation to the registration of local government electors,] not include space for the information mentioned in paragraph (3)(eb).]

[<sup>F37</sup>(5) The paper application form for persons applying to be registered in pursuance of an overseas elector’s declaration must—

- [<sup>F38</sup>(za) instead of the statement required in paragraph (3)(ba), include a statement that, in relation to an applicant’s nationality, registration officers may require the applicant to provide additional information or may carry out checks against Government records, and
- (zb) include space for the address at which the applicant can be contacted.]

<sup>F39</sup>(a) . . . . .

<sup>F40</sup>(b) . . . . .]

[<sup>F41</sup>(5A) The paper application form for persons applying to be registered [<sup>F42</sup>as a local government elector] in pursuance of a declaration of local connection must not include space for the information mentioned in paragraph (3)(eb).]

(6) The Electoral Commission must obtain the approval of the [<sup>F43</sup>Secretary of State] to the design of the application forms under paragraphs [<sup>F44</sup>(3) to (5A)] and must then make the forms available to registration officers.

[<sup>F45</sup>(6A) Before giving approval for the purposes of paragraph (6) to the design of the forms under paragraphs (3), (4) and (5A), the [<sup>F46</sup>Secretary of State] must consult the Scottish Ministers.]

(7) Where a registration officer gives a paper application form to a person resident in Scotland, it must be accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.

(8) A registration officer may authorise the applicant to provide the information required by paragraph (1) to the registration officer by telephone or in person and, where the officer does so, the registration officer must—

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- (a) provide the applicant with an explanation of what the edited register is, using the short version of the forms of words prescribed by regulation 47 of and Schedule 3 to the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013; and
- (b) transfer the information provided by the applicant into an application in writing.

(9) <sup>F47</sup>Where, by virtue of arrangements made by the <sup>F48</sup>Secretary of State, an application under paragraph (1) may be made through the digital service, the <sup>F49</sup>Secretary of State] must request the applicant’s email address and telephone number or numbers and provide an explanation of the purpose for which this information will be used.

<sup>F50</sup>(9A) In relation to the registration of local government electors, paragraphs (1)(f) and (8)(a) do not apply in the case where the applicant is under the age of 16.]

<sup>F51</sup>(9B) Where—

- (a) an applicant makes an application in pursuance of an overseas elector’s declaration, and
- (b) the applicant is unable to provide a national insurance number in accordance with paragraph (1)(f),

the applicant may provide as part of the application a copy of any of the documents listed in regulation 26B(2) to (4).

(9C) Where an applicant makes an application in pursuance of an overseas elector’s declaration in reliance upon the previous residence condition, the applicant may provide as part of the application a copy of any document which meets the evidential requirement described in regulation 26D(3).]

<sup>F52</sup>(10) .....

(11) The <sup>F53</sup>Secretary of State] must send to the registration officer any application he receives <sup>F54</sup>, subject to paragraph (12),] together with—

- <sup>F55</sup>(za) any copy documentation provided by the applicant in accordance with paragraph (9B) or (9C);]
- (a) the applicant’s email address and telephone numbers (if provided); and
- (b) a reference number unique to that application.

<sup>F56</sup>(12) Where an application made through the digital service in accordance with paragraph (9) includes the applicant’s national insurance number the Secretary of State—

- (a) may send the registration officer that application without the national insurance number, and
- (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.]]

**Textual Amendments**

- F21** Reg. 26 substituted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013](#) (S.I. 2013/3206), regs. 1(5)(b), **10**
- F22** Words in reg. 26(1)(a) omitted (2.12.2015) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015](#) (S.I. 2015/1966), regs. 1, **4(a)**
- F23** Words in reg. 26(1)(c) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023](#) (S.I. 2023/1406), regs. 1(2), **10(6)(a)(i)** (with Sch. 2 para. 2(d))
- F24** Words in reg. 26(1)(d) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023](#) (S.I. 2023/1406), regs. 1(2), **10(6)(a)(ii)** (with Sch. 2 para. 2(d))
- F25** Reg. 26(1A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015](#) (asp 7), **ss. 5(2)(a), 21**



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- F26** Reg. 26(1B) inserted (27.6.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(2), **4(a)**
- F27** Word in reg. 26(3) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(2)(b)**, 21
- F28** Words in reg. 26(3)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 267** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F29** Reg. 26(3)(ba) inserted (1.7.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **3(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **3(a)** (with reg. 1(4))
- F30** Words in reg. 26(3)(ba) substituted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **4(b)**; S.S.I. 2020/162, reg. 2
- F31** Reg. 26(3)(ca) inserted (1.7.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **3(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **3(b)** (with reg. 1(4))
- F32** Reg. 26(3)(ea) inserted (2.12.2015) by The Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1966), regs. 1, **4(b)**
- F33** Reg. 26(3)(eb) revoked (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **4**
- F34** Reg. 26(3A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(2)(c)**, 21
- F35** Reg. 26(4)(c) inserted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **4(b)**
- F36** Words in reg. 26(4)(c) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(b)**
- F37** Reg. 26(5) substituted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **4(c)**
- F38** Reg. 26(5)(za)(zb) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(c)(i)**
- F39** Reg. 26(5)(a) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(c)(ii)**
- F40** Reg. 26(5)(b) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(c)(ii)**
- F41** Reg. 26(5A) inserted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **4(d)**
- F42** Words in reg. 26(5A) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(d)**
- F43** Words in reg. 26(6) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(3)(a)** (with art. 12)
- F44** Words in reg. 26(6) substituted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **4(e)**
- F45** Reg. 26(6A) inserted (18.5.2017) by The Scotland Act 2016 (Consequential and Saving Provisions) Regulations 2017 (S.I. 2017/602), regs. 1, **3**
- F46** Words in reg. 26(6A) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(3)(a)** (with art. 12)
- F47** Words in reg. 26(9) substituted (18.5.2017) by The Scotland Act 2016 (Consequential and Saving Provisions) Regulations 2017 (S.I. 2017/602), regs. 1, **4(1)**
- F48** Words in reg. 26(9) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(3)(b)(i)** (with art. 12)

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- F49** Words in reg. 26(9) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(3)(b)(ii)** (with art. 12)
- F50** Reg. 26(9A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(2)(d), 21**
- F51** Reg. 26(9B)(9C) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(e)** (with Sch. 2 para. 2(d))
- F52** Reg. 26(10) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(f)** (with Sch. 2 para. 2(d))
- F53** Words in reg. 26(11) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(3)(c)** (with art. 12)
- F54** Words in reg. 26(11) inserted (31.10.2023) by The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), regs. 1(2), **9(2)(a)**
- F55** Reg. 26(11)(za) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(6)(g)** (with Sch. 2 para. 2(d))
- F56** Reg. 26(12) inserted (31.10.2023) by The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), regs. 1(2), **9(2)(b)**

#### **[<sup>F57</sup>Application for alteration of register in respect of name under section 10ZD**

**26A.**—(1) An application for alteration in respect of name under section 10ZD of the 1983 Act must be in writing and must state—

- (a) the applicant’s full name;
- (b) the full name in respect of which the applicant is currently registered;
- (c) the date of the change of name;
- (d) the address in respect of which the applicant is registered;
- (e) a declaration by the applicant that the information provided in the application is true;
- (f) the date of the application.

(2) The Electoral Commission must design a form for applications for alteration in respect of name under section 10ZD of the 1983 Act, which requires the information in paragraph (1) and includes—

- (a) a statement that the information provided in the application will be processed in accordance with [<sup>F58</sup>the data protection legislation] and as to what information will appear on the electoral register;
- (b) space for a bar code, local authority reference number and security code unique to each form; and
- (c) space for the registration officer to include local authority information and details of how the registration officer may be contacted.

(3) The Electoral Commission must obtain the approval of the [<sup>F59</sup>Secretary of State] to the design of the application form under paragraph (2) and must then make the form available to registration officers.

[  
<sup>F60</sup>(3A) Before giving approval for the purposes of paragraph (3), the [<sup>F61</sup>Secretary of State] must consult the Scottish Ministers.]

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(4) A person making an application for alteration in respect of name under paragraph (1) must give to the registration officer as part of their application [<sup>F62</sup>documentary evidence of the applicant's change of name].

(5) Where a person is unable to provide [<sup>F63</sup>any documentary evidence], they must provide their date of birth or national insurance number as part of their application or, if they are not able to provide their date of birth or national insurance number, the reason why they are not able to do so.

(6) Where the registration officer considers it appropriate, the officer may require that the applicant provide the original of [<sup>F64</sup>any copy document] provided under paragraph (4) after the application has been made.

#### Textual Amendments

- F57** Regs. 26A, 26B inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **11**
- F58** Words in [reg. 26A\(2\)\(a\)](#) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 268** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F59** Words in [reg. 26A\(3\)](#) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(4)** (with art. 12)
- F60** [Reg. 26A\(3A\)](#) inserted (18.5.2017) by [The Scotland Act 2016 \(Consequential and Saving Provisions\) Regulations 2017 \(S.I. 2017/602\)](#), regs. 1, **5**
- F61** Words in [reg. 26A\(3A\)](#) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(4)** (with art. 12)
- F62** Words in [reg. 26A\(4\)](#) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **3(a)**
- F63** Words in [reg. 26A\(5\)](#) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **3(b)**
- F64** Words in [reg. 26A\(6\)](#) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **3(c)**

#### Power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary

**26B.—**(1) [<sup>F65</sup>Subject to paragraph (1A), this] regulation applies where a registration officer considers additional evidence is necessary to verify the identity of a person or determine their entitlement to register in respect of their application under section 10ZC or 10ZD of the 1983 Act, including where that is necessary because the person is not able to state the information required by any of sub-paragraphs (e), (f) or (g) of regulation 26(1).

[<sup>F66</sup>(1A) Where a person has made an application to be registered as an overseas elector under section 10ZC of the 1983 Act, this regulation only applies to the extent that a registration officer considers that additional evidence is necessary to verify the identity of the applicant (see regulations 24 and 26C to 26H for further provision in relation to overseas electors).]

(2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents—

- (a) the applicant's passport;
- (b) the applicant's identity card issued in the European Economic Area;

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- (c) the applicant’s biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the Borders Act 2007;
  - (d) the applicant’s electoral identity card issued in Northern Ireland; or
  - (e) the applicant’s photocard driving licence granted in the United Kingdom or driving licence granted by a Crown Dependency, which bears a photograph of the applicant.
- (3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of—
- (a) one of the following documents, which, except in relation to paragraph (vii), must have been issued in the United Kingdom or Crown Dependencies—
    - (i) the applicant’s birth certificate;
    - (ii) the applicant’s marriage or civil partnership certificate;
    - (iii) the applicant’s adoption certificate;
    - (iv) the applicant’s firearms certificate granted under the Firearms Act 1968;
    - (v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976;
    - (vi) the applicant’s driving licence, which is not in the form of a photocard; or
    - (vii) the applicant’s driving licence granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom; and
  - (b) two other documents, each of which may be either from sub-paragraph (a) or from paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant’s full name—
- (a) a financial statement, including but not limited to—
    - (i) a mortgage statement;
    - (ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
    - (iii) a credit card statement;
    - (iv) a pension statement;
  - (b) a council tax demand letter or statement;
  - (c) a utility bill;
  - (d) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
  - (e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- <sup>F67</sup>(4A) Where an application is made pursuant to an overseas elector’s declaration—
- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;

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- (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies”.]
- (5) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may <sup>F68</sup>—
- (a) except where sub-paragraph (b) applies, require the applicant give an attestation as set out in paragraph (6);
  - (b) where the application is made in pursuance of an overseas elector’s declaration, require the applicant give an attestation as set out in paragraph (6ZA).]
- (6) An attestation must—
- (a) confirm that the applicant is the person named in the application;
  - (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
  - (c) be in writing and signed by a person—
    - (i) whom the registration officer is satisfied is of good standing in the community;
    - (ii) who is registered as an elector <sup>F69</sup> in a local authority area in Scotland];
    - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; <sup>F70</sup> ...
    - <sup>F71</sup>(iv) <sup>F72</sup> in relation to an application for registration as a local government elector,] who has not already signed attestations under this regulation for two applicants since whichever is later of—
      - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or
      - (bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued)] <sup>F73</sup>; and
    - (v) in relation to any other application for registration to which this paragraph applies, who has not already signed a relevant identity attestation for two applicants since, whichever is the later of,—
      - (aa) the date on which the revised register in which the attestor’s name appears was last published under section 13(1) of the 1983 Act, or
      - (bb) the date on which a notice specifying the attestor’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued.)]
  - (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
  - (e) state the date on which it is made.
- <sup>F74</sup>(6ZA) An attestation under this paragraph must—
- (a) confirm that the applicant is the person named in the application,
  - (b) be in writing and signed by a qualifying attestor,
  - (c) state the qualifying attestor’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attestor is registered as an elector,

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- (d) state—
- (i) where the qualifying attester is registered in pursuance of an overseas elector’s declaration, the attester’s British or Irish passport number together with its date and place of issue;
  - (ii) otherwise—
    - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
    - (bb) in all other cases, the qualifying attester’s electoral number,
- (e) include an explanation as to the qualifying attester’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed,
- (f) include—
- (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
- (g) state the date on which it is made.
- (6ZB) In paragraph (6ZA), a “qualifying attester” is a person—
- (a) who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act, or
    - (ii) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (6ZC) In paragraphs (6)(c)(v) and (6ZB)(e), a relevant identity attestation is an attestation provided in accordance with—
- (a) paragraph (6) or (6ZA);
  - (b) regulation 56C(5A) or (6);
  - (c) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (England and Wales) Regulations 2001;
  - [ regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations
  - <sup>F75</sup>(ca) 2008;]
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;

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- (e) regulation 72B(5A) or (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
- (f) regulation 7(6) of the Voter Identification Regulations 2022.]

[  
<sup>F76</sup>(6A) In relation to the registration of local government electors, paragraphs (2) to (6) do not apply in the case where the applicant is under the age of 16 if—

- (a) there is information available to the registration officer from any educational record relating to the applicant, and
- (b) that information is sufficient to satisfy the registration officer as to the applicant's identity and entitlement to be registered.]

(7) Paragraphs (2) to [<sup>F77</sup>(6A)] do not apply where the application is made pursuant to the following declarations—

- (a) a service declaration on the grounds that the applicant is a Crown servant (within the meaning of regulation 14) or the spouse or civil partner of a Crown servant (within the meaning of regulation 14);
- (b) a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act);
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act); or

[ in relation to the registration of local government electors, a service declaration on the  
<sup>F78</sup>(ca) grounds that the applicant has a service qualification under section 14(1A) of the 1983 Act;]

<sup>F79</sup>(d) .....

(8) In the case of an application in pursuance of a declaration within paragraph (7)(a) or (c), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant (within the meaning of regulation 14) or British Council employee or an officer of the forces (within the meaning of section 59(1) of the 1983 Act) who is not the applicant's spouse or civil partner—

- (a) the applicant's passport; or
- (b) the applicant's identity card issued in the European Economic Area.

(9) In the case of an application in pursuance of a declaration within paragraph (7)(b), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by an officer of the forces (within the meaning of section 59(1) of the 1983 Act) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve; and
- (d) state the date on which it is made.

[  
<sup>F80</sup>(9A) In the case of an application in pursuance of a service declaration within paragraph (7)(ca), the registration officer may require that the applicant give the officer one of the following documents or a copy of one of them certified by a relevant official—

- (a) the applicant's passport, or

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(b) the applicant's identity card issued in the European Economic Area.

(9B) In paragraph (9A), “relevant official” means—

- (a) a Crown Servant (within the meaning of regulation 14),
- (b) a British Council employee, or
- (c) an officer of the forces (within the meaning of section 59(1) of the 1983 Act),

who is not the applicant's parent, guardian, spouse or civil partner.]

<sup>F81</sup>(10) .....

(11) Where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is [<sup>F82</sup>a qualifying Commonwealth citizen or a qualifying foreign national,] the registration officer may require that the applicant provide evidence relating to the applicant's immigration status, including, if applicable, the applicant's biometric immigration document issued in the United Kingdom.

(12) In this regulation—

- (a) “Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;
- (b) “qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act.

[ “qualifying foreign national” has the same meaning as in section 202(1) of the 1983 Act.]]  
<sup>F83</sup>(c)

#### Textual Amendments

- F57** Regs. 26A, 26B inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **11**
- F65** Words in reg. 26B(1) substituted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(a)** (with Sch. 2 para. 2(d))
- F66** Reg. 26B(1A) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(b)** (with Sch. 2 para. 2(d))
- F67** Reg. 26B(4A) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(c)** (with Sch. 2 para. 2(d))
- F68** Reg. 26B(5)(a)(b) substituted for words (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(d)** (with Sch. 2 para. 2(d))
- F69** Words in reg. 26B(6)(c)(ii) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **5(a)**
- F70** Word in reg. 26B(6)(c) omitted (16.1.2024) by virtue of [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(e)(i)** (with Sch. 2 para. 2(d))
- F71** Reg. 26B(6)(c)(iv) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **5(b)**
- F72** Words in reg. 26B(6)(c)(iv) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(e)(ii)** (with Sch. 2 para. 2(d))
- F73** Reg. 26B(6)(c)(v) and word inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(e)(iii)** (with Sch. 2 para. 2(d))
- F74** Reg. 26B(6ZA)-(6ZC) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(7)(f)** (with Sch. 2 para. 2(d))



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- F75** Reg. 26B(6ZC)(ca) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), **23(2)** (with reg. 27(1))
- F76** Reg. 26B(6A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(3)**, 21
- F77** Word in reg. 26B(7) substituted (27.04.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **5(c)**
- F78** Reg. 26B(7)(ca) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 11(3)(a)**, 21
- F79** Reg. 26B(7)(d) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(g)** (with Sch. 2 para. 2(d))
- F80** Reg. 26B(9A)(9B) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 11(3)(b)**, 21
- F81** Reg. 26B(10) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(g)** (with Sch. 2 para. 2(d))
- F82** Words in reg. 26B(11) substituted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **5(a)**; S.S.I. 2020/162, reg. 2
- F83** Reg. 26B(12)(c) inserted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **5(b)**; S.S.I. 2020/162, reg. 2

**[<sup>F84</sup>Overseas electors: power to request additional evidence where applicant under 18 when last resident in the United Kingdom**

**26C.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) in accordance with regulation 18(8), the applicant has given an indication that the applicant was under 18 years old on the last day, and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address.

(2) The registration officer may require the applicant to provide—

- (a) the full name of a parent or guardian of the applicant who was resident at the relevant address on the last day;
- (b) in respect of each such parent or guardian, an indication as to whether that parent or guardian was registered, in respect of the relevant address, in a register of parliamentary electors or a register of local government electors on the last day.

(3) Where the applicant provides the full name of a parent in accordance with paragraph (2)(a), the applicant must also provide a copy of the applicant’s birth certificate which shows the name of the applicant’s parent as provided in accordance with paragraph (2)(a) and the applicant’s date of birth.

(4) Where the applicant provides the full name of a guardian in accordance with paragraph (2)(a), the registration officer must require the applicant to provide such other kind of evidence as the officer considers appropriate that confirms that the person named in accordance with paragraph (2)(a) was the guardian of the applicant.

(5) Where the applicant provides a copy of a document in accordance with paragraph (3) or (4), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.

(6) In this regulation—

“last day” means the last day on which the applicant was resident in the United Kingdom;

*Status: Point in time view as at 16/01/2024.*

*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 11 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)*

“relevant address” means the address provided by the applicant in accordance with section 1C(3)(a)(i) or (4) of the 1985 Act.

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

#### Overseas elector: power to request additional evidence of previous residence

**26D.**—(1) This regulation applies where a registration officer considers that additional evidence is necessary in order to satisfy the registration officer that a person who makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”)—

- (a) where the declaration is made in reliance on the previous registration condition, was previously entered in an electoral register in respect of the relevant address;
- (b) where the declaration is made in reliance on the previous residence condition—
  - (i) was resident at the relevant address on the last day that the applicant was resident in the United Kingdom, or
  - (ii) was not resident at the relevant address but could have made a declaration under section 7B of the 1983 Act (declaration of local connection) in respect of that address on the last day that the applicant was resident in the United Kingdom.

(2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of any document which meets the evidential requirement.

(3) For the purposes of paragraph (2), the “evidential requirement” in relation to a document is that the document—

- (a) bears the full current or previous name of the applicant, and
- (b) bears the relevant address.

(4) Any of the following documents which meets the evidential requirement in paragraph (3) is deemed to be conclusive evidence that the statement in paragraph (1)(a), (b)(i) or (b)(ii) (as the case may be) applies in respect of the applicant—

- (a) a driving licence granted in the United Kingdom (including an expired licence);
- (b) an instrument of a court appointment, such as a grant of probate or letters of administration;
- (c) a letter from the Office of the Public Guardian confirming the registration of a lasting power of attorney;
- (d) a letter from His Majesty’s Revenue and Customs;
- (e) a council tax demand letter or statement;
- (f) a rent book issued by a local authority;
- (g) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act;
- (h) a letter from the Department of Work and Pensions, confirming the applicant’s entitlement to a state pension;
- (i) a letter from a school, college, university or other educational institution which confirms the attendance of, or the offer of a place for, the applicant at that institution;

- (j) a letter from the Student Loans Company;
- (k) an official copy of the land register entry for the relevant address or other proof of title for the relevant address;
- (l) a solicitor's letter confirming the purchase of, or confirmation of the land registry registration of, the relevant address;
- (m) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
- (n) a bank or building society passbook or statement, or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
- (o) a credit card statement;
- (p) a utility or mobile telephone bill;
- (q) a letter from an insurance provider.

(5) In this regulation, “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

### Overseas electors: power to request attestation as to applicant's previous residence at relevant address

**26E.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector's declaration (“the applicant”),
- (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).

(2) The registration officer may require that the applicant give an attestation of previous residence which must—

- (a) confirm that the applicant was resident at the relevant address, and
- (b) give an indication of the dates between which, to the best of the qualifying attester's knowledge, the applicant was resident at that address.

(3) In this regulation—

“qualifying attester” has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

*Status: Point in time view as at 16/01/2024.*

*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 11 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)*

**Overseas electors: power to request additional evidence as to applicant’s previous registration in pursuance of a service declaration or overseas elector’s declaration or as a merchant seaman**

**26F.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance on the previous registration condition,
- (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
  - (i) in pursuance of a service declaration,
  - (ii) on the basis that the applicant was treated as being resident at the relevant address in accordance with section 6 of the 1983 Act (residence: merchant seamen), or
  - (iii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) or (ii) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
- (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
- (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).

(2) The registration officer may require that the applicant—

- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
  - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
  - (ii) confirms that the applicant met the registration status requirement;
- (b) give an attestation of registration status which must—
  - (i) confirm that the applicant met the registration status requirement, and
  - (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.

(3) Paragraph (4) applies where the applicant’s registration referred to in section 1A(2)(a) of the 1985 Act was in pursuance of a service declaration by virtue of a service qualification related to another person (“B”), as described in section 14(1)(d) or (e) or (1A) of the 1983 Act.

(4) In addition to or instead of a requirement under paragraph (2)(a), the registration officer may require the applicant to give the registration officer a copy, or where the registration officer considers it appropriate, the original of any document which bears the full current or former name of B and confirms—

- (a) B’s service qualification under section 14(1) of the 1983 Act;
- (b) that B is or was (as the case may be) the spouse, civil partner, parent or guardian of the applicant.

(5) For the purposes of this regulation, “the registration status requirement”—

- (a) where paragraph (1)(b)(i) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant had a service qualification under section 14(1) or (1A) of the 1983 Act;

- (b) where paragraph (1)(b)(ii) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant was a merchant seaman within the meaning of section 6 of the 1983 Act.
- (6) In this regulation—
  - “qualifying attester” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) of the 1985 Act.

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

### Overseas electors: power to require additional evidence as to declaration of local connection

- 26G.**—(1) This regulation applies where—
- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous registration condition,
  - (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
    - (i) in pursuance of a declaration under section 7B of the 1983 Act (declaration of local connection), or
    - (ii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) of this sub-paragraph or paragraph (2)(a) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
  - (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) This regulation also applies where—
- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous residence condition by virtue of section 1A(3)(b)(ii) of the 1985 Act,
  - (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that, on the last date that the applicant was resident in the United Kingdom, section 7B of the 1983 Act applied to the applicant, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (3) The registration officer may require that the applicant—
- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—

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- (i) bears the full name of the applicant, as provided in accordance with section 1C(1) (a) of the 1985 Act or regulation 18(3)(a), and
- (ii) confirms that the applicant met the local connection requirement;
- (b) give an attestation of local connection which must—
  - (i) confirm on which basis the applicant met the local connection requirement, and
  - (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.
- (4) The local connection requirement is—
  - (a) where section 7B(2)(a) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was a patient in a mental hospital (within the meaning of that section), and
    - (ii) section 3A of the 1983 Act (disenfranchisement of offenders detained in mental hospitals) or section 7A of the 1983 Act (residence: persons remanded in custody etc.) did not apply to the applicant;
  - (b) where section 7B(2)(b) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was detained at any place pursuant to a relevant order or direction, and
    - (ii) the applicant was so detained otherwise than after being convicted of any offence or a finding in criminal proceedings that the applicant did the act or made the omission charged;
  - (c) where section 7B(2)(c) of the 1983 Act applied to the applicant, that the applicant—
    - (i) was not in legal custody, and
    - (ii) was not, for the purposes of section 4 of the 1983 Act, resident at any address in the United Kingdom;
  - (d) where section 7B(2A) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was under the age of 16 years,
    - (ii) section 7B(2)(a) to (c) of the 1983 Act did not apply to the applicant, and
    - (iii) the applicant was either—
      - (aa) a child who was looked after by a local authority, or
      - (bb) being kept in secure accommodation;
  - (e) where section 7B(2D) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was a convicted person to whom section 3(1A) of the 1983 Act applied, and
    - (ii) the applicant would not have been entitled to be registered by virtue of residence at any place other than the penal institution in which the applicant was detained.
- (5) In paragraph (4)—
  - (a) for the purposes of sub-paragraphs (a) and (e), it is to be assumed that sections 3(1A), 3A and 7A of the 1983 Act were in force at any relevant time;
  - (a) in sub-paragraph (b)(i), “relevant order or direction” has the meaning given in section 7A(6) of the 1983 Act;
  - (b) section 7B(2C) of the 1983 Act applies to sub-paragraph (d) as it applies to section 7B(2B) of that Act.
- (6) In this regulation—
  - “qualifying attester” has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

#### Overseas electors: power to require attestation as to applicant’s connection to relevant address

**26H.**—(1) Subject to paragraph (2), this regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) the registration officer requires the applicant to give documentary evidence or an attestation in accordance with regulation 26F(2) or 26G(3), and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant has a previous connection to the relevant address.

(2) This regulation does not apply where regulation 26G(4)(d) applies to the applicant.

(3) The registration officer may require that the applicant give an attestation of relevant address connection which must—

- (a) confirm that the applicant met the relevant address connection requirement, and
- (b) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.

(4) The relevant address connection requirement is—

- (a) where regulation 26F(1)(b)(i) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant would have been residing at the relevant address but for the applicant’s service qualification within the meaning of section 14(1) or (1A) of the 1983 Act;
- (b) where regulation 26F(1)(b)(ii) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant—
  - (i) would have been residing at the relevant address but for the applicant’s occupation as a merchant seaman, or
  - (ii) commonly stayed at the relevant address, which was a hotel or club providing accommodation for merchant seamen, during the course of the applicant’s occupation as a merchant seaman;
- (c) where regulation 26G(4)(a) or (b) applies to the applicant, that the applicant would have been residing at the relevant address if the applicant had not been a patient or detained;
- (d) where regulation 26G(4)(c) applies to the applicant, that the relevant address was, or was nearest to, a place in the United Kingdom where the applicant commonly spent a substantial part of the applicant’s time (whether during the day or at night);
- (e) where regulation 26G(4)(e) applies to the applicant, that—
  - (i) the applicant would have been residing at the relevant address but for the applicant’s detention,
  - (ii) the applicant was resident at the relevant address immediately before the applicant’s detention, or

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(iii) the relevant address was, or was nearest to, a place in Scotland where the applicant commonly spent a substantial part of the applicant’s time (whether during the day or at night).

(5) In this regulation—

“qualifying attester” has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

#### Overseas electors: supplemental provision as to attestations and the meaning of “qualifying attester”

**26I.**—(1) An attestation of previous residence pursuant to regulation 26E(2), an attestation of registration status pursuant to regulation 26F(2)(b), an attestation of local connection pursuant to regulation 26G(3)(b), or an attestation of relevant address connection pursuant to regulation 26H(3) must—

- (a) be in writing and signed by a qualifying attester;
- (b) state the qualifying attester’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector;
- (c) state—
  - (i) where the qualifying attester is registered in pursuance of an overseas elector’s declaration, the attester’s British or Irish passport number together with its date and place of issue;
  - (ii) otherwise—
    - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
    - (bb) in all other cases, the qualifying attester’s electoral number,
- (d) include an explanation as to the qualifying attester’s ability to confirm that the applicant met the relevant requirement, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed;
- (e) include—
  - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all of the information provided in the attestation is true;
- (f) state the date on which it is made.

(2) An attestation of relevant address connection pursuant to regulation 26H(3) may be combined with—



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- (a) an attestation of registration status pursuant to regulation 26F(2)(b), or
  - (b) an attestation of local connection pursuant to regulation 26G(3)(b),
- where the qualifying attestor for each attestation is the same person.
- (3) In this regulation, and in regulations 26E, 26F, 26G and 26H, a “qualifying attestor” is a person—
- (a) who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed attestations to which paragraph (4) applies for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the attestor’s name appears was last published under section 13(1) of the 1983 Act; or
    - (ii) the date on which a notice specifying the attestor’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (4) This paragraph applies to an attestation made in accordance with any of—
- (a) regulations 26E to 26H, <sup>F85</sup>...
  - (b) regulations 26E to 26H of the Representation of the People (England and Wales) Regulations 2001 [<sup>F86</sup>, and
  - (c) regulations 25C and 27ZC to 27ZF of the Representation of the People (Northern Ireland) Regulations 2008.]

#### Textual Amendments

- F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))
- F85** Word in reg. 26I(4)(a) omitted (16.1.2024) by virtue of [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) \(Northern Ireland\) Regulations 2024 \(S.I. 2024/43\)](#), regs. 1(1), **23(3)(a)** (with reg. 27(1))
- F86** Reg. 26I(4)(c) and word inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) \(Northern Ireland\) Regulations 2024 \(S.I. 2024/43\)](#), regs. 1(1), **23(3)(b)** (with reg. 27(1))

#### Overseas electors: power to require additional evidence as to change of name

- 26J.**—(1) Paragraph (2) applies where a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) and—
- (a) the applicant’s declaration includes a name in accordance with regulation 18(3)(a);
  - (b) the applicant’s name on a document provided in accordance with regulation 24(2), 26C(3) or (4), 26D(2), 26F(2)(a) or 26G(3)(a) is different from both the name provided in accordance with section 1C(1)(a) of the 1985 Act and any name provided in accordance with regulation 18(3);

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- (c) the name of the applicant’s parent or guardian provided in accordance with regulation 26C(2)(a) is different from the name of that parent or guardian as it appears—
    - (i) on the register described in regulation 26C(2)(b);
    - (ii) on a document provided in accordance with regulation 26C(3) or (4);
  - (d) B’s name on a document provided by the applicant in accordance with regulation 26F(4)(a) or (b) is B’s former (and not current) name;
  - (e) on a document provided by the applicant in accordance with regulation 26F(4)(a) B’s name is different from on any document provided by the applicant in accordance with regulation 26F(4)(b).
- (2) Where this paragraph applies, the registration officer may require the applicant to provide—
- (a) except where paragraph (1)(a) applies, an explanation as to the difference in name or, where paragraph (1)(c), (d) or (e) applies and the reason for the difference is not known by the applicant, a statement to that effect, and
  - (b) where paragraph (1)(a) or (b) applies, such other evidence as the officer considers appropriate that confirms the change of the applicant’s name.
- (3) Where the applicant provides a copy of a document in accordance with paragraph (2)(b), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.]

#### Textual Amendments

**F84** Regs. 26C-26J inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(8)** (with Sch. 2 para. 2(d))

#### 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) [<sup>F87</sup>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;
  - [<sup>F88</sup>(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 [<sup>F89</sup>representations made against an application for registration under section 13A(1)(za) of the 1983 Act].

#### Textual Amendments

**F87** 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)**

**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 11 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)

- F88** 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)
- F89** Words in reg. 27(3) substituted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), 12

#### Commencement Information

- I4** Reg. 27 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Inspection of applications and objections

**28.**—<sup>[F90]</sup>(1) <sup>[F91]</sup>An entry on the list of applications for registration kept under regulation 29(2)(a) and any objection to a person's registration shall be made available for inspection at the registration officer's office until the application <sup>[F92]</sup>to which the entry relates] or objection has been determined by the registration officer.

<sup>[F93]</sup>(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.]

<sup>[F94]</sup>(3) In relation to the registration of local government electors, this regulation does not apply to an application made by a person under the age of 16.]

#### Textual Amendments

- F90** 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)
- F91** Words in reg. 28(1) substituted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), 13(a)
- F92** Words in reg. 28(1) inserted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), 13(b)
- F93** 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)
- F94** Reg. 28(3) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 5(4), 21

#### Commencement Information

- I5** Reg. 28 in force at 16.2.2001, see [reg. 1\(1\)](#)

### *Determination of applications and objections*

#### <sup>[F95]</sup>Verification of information provided in an application

**29ZA.**—(1) On receipt of an application under section 10ZC or 10ZD of the 1983 Act made <sup>[F96]</sup>otherwise than through the digital service], a registration officer must disclose the name or names, date of birth and national insurance number given under regulation <sup>[F97]</sup>26 or 26A] to the <sup>[F98]</sup>Secretary of State for Levelling Up, Housing and Communities] in such a format and through such a conduit system as the <sup>[F98]</sup>Secretary of State for Levelling Up, Housing and Communities] may have notified to the registration officer in writing.

(2) Following receipt of the information from the registration officer or (in the case of an application made through the digital service) from the applicant, the <sup>[F99]</sup>Secretary of State for

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Levelling Up, Housing and Communities] may disclose the information to the Secretary of State [F100 for Work and Pensions].

(3) Where information has been disclosed to the Secretary of State [F101 for Work and Pensions] under paragraph (2), the Secretary of State [F101 for Work and Pensions] may compare it against—

- (a) the name, date of birth and national insurance number of individuals appearing in the following types of databases kept by the Secretary of State—
  - (i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development); and
  - (ii) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty’s Revenue and Customs); and
- (b) any other information contained in those databases which relates to the information disclosed under paragraph (2).

(4) The Secretary of State [F102 for Work and Pensions] may disclose the results of the comparison to the [F103 Secretary of State for Levelling Up, Housing and Communities].

(5) On receipt of such results, the [F104 Secretary of State for Levelling Up, Housing and Communities] may disclose them to the registration officer in whose register the applicant has applied to be registered.

(6) Where the [F105 Secretary of State for Levelling Up, Housing and Communities] does so, the registration officer must take the results into account in determining the application.

[ F106(6ZA) In relation to the registration of parliamentary electors, this regulation does not apply to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.]

[ F107(6A) In relation to the registration of local government electors, this regulation does not apply to an application made by a person under the age of 16.]

- (7) In this regulation—
  - (a) “conduit system” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984;

F108(b) .....

Textual Amendments	
<b>F95</b>	Regs. 29ZA, 29ZB inserted (10.6.2014) by <a href="#">The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206)</a> , regs. 1(5)(b), <b>14</b>
<b>F96</b>	Words in reg. 29ZA(1) substituted (4.3.2015) by <a href="#">The Representation of the People (Scotland) (Amendment) Regulations 2015 (S.I. 2015/450)</a> , regs. 1, <b>4</b>
<b>F97</b>	Words in reg. 29ZA(1) substituted (2.12.2015) by <a href="#">The Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1966)</a> , regs. 1, <b>5</b>
<b>F98</b>	Words in reg. 29ZA(1) substituted (8.12.2021) by <a href="#">The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265)</a> , art. 1(2), <b>Sch. 2 para. 29(5) (a)</b> (with art. 12)
<b>F99</b>	Words in reg. 29ZA(2) substituted (8.12.2021) by <a href="#">The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265)</a> , art. 1(2), <b>Sch. 2 para. 29(5) (b)(i)</b> (with art. 12)

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- F100** Words in reg. 29ZA(2) inserted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(b)(ii)** (with art. 12)
- F101** Words in reg. 29ZA(3) inserted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(c)** (with art. 12)
- F102** Words in reg. 29ZA(4) inserted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(d)(i)** (with art. 12)
- F103** Words in reg. 29ZA(4) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(d)(ii)** (with art. 12)
- F104** Words in reg. 29ZA(5) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(e)** (with art. 12)
- F105** Words in reg. 29ZA(6) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(e)** (with art. 12)
- F106** Reg. 29ZA(6ZA) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(9)** (with Sch. 2 para. 2(d))
- F107** Reg. 29ZA(6A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(5), 21**
- F108** Reg. 29ZA(7)(b) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(5)(f)** (with art. 12)

#### Modifications etc. (not altering text)

- C1** Regs. 29ZA, 29ZB: transfer of functions (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), arts. 1(2), **7(3)(b)** (with arts. 8, 11, 12)

#### [<sup>F109</sup>Verification of information provided in an application made pursuant to an overseas elector's declaration

**29ZAA.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector's declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant's name, relevant address, date of birth and national insurance number ("the first stage information") to the Secretary of State for Levelling Up, Housing and Communities in such format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the first stage information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the first stage information to the Secretary of State for Work and Pensions.

(4) Where the first stage information has been disclosed to the Secretary of State for Work and Pensions under paragraph (3) the Secretary of State for Work and Pensions may compare it against—

- (a) the name, address, date of birth and national insurance number of individuals appearing in the following types of data kept by the Secretary of State—
- (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and

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- (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs);
  - (b) any other information contained in such types of data which relates to the information disclosed under paragraph (3).
- (5) The Secretary of State for Work and Pensions may disclose the results of the comparison of the first stage information (“the second stage information”) to the Secretary of State for Levelling Up, Housing and Communities.
- (6) On receipt of the second stage information, the Secretary of State for Levelling Up, Housing and Communities may disclose that information—
- (a) to the Secretary of State for Work and Pensions, or
  - (b) to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).
- (7) Paragraph (4) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under paragraph (6)(a) as it applies to the first stage information disclosed under paragraph (3).
- (8) The Secretary of State for Work and Pensions may disclose the results of the comparison of the second stage information (“the third stage information”) to the Secretary of State for Levelling Up, Housing and Communities.
- (9) On receipt of the third stage information, the Secretary of State for Levelling Up, Housing and Communities may—
- (a) compare the third stage information against the information provided in the application, and
  - (b) notify the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11), as to whether the comparison in sub-paragraph (a) resulted in a match.
- (10) The registration officer must take into account any information disclosed by, or notification received from, the Secretary of State for Levelling Up, Housing and Communities in accordance with this regulation when determining the application.
- (11) In paragraph (2)—
- (a) the applicant’s “name” means—
    - (i) the name provided by the applicant in accordance with section 1C(1)(a) of the 1985 Act, and
    - (ii) any name provided in accordance with regulation 18(3)(a) or 26(3)(ea);
  - (b) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;
  - (c) “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

#### Textual Amendments

- F95** Regs. 29ZA, 29ZB inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **14**
- F109** Regs. 29ZAA, 29ZAB inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(10)** (with Sch. 2 para. 2(d))

### **Additional verification of information provided in an application made pursuant to an overseas elector's declaration**

**29ZAB.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector's declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant's qualification information to the Secretary of State for Levelling Up, Housing and Communities in such a format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the qualification information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the information to the Secretary of State for Work and Pensions.

(4) Where qualification information has been disclosed to the Secretary of State for Work and Pensions under paragraph (2), the Secretary of State for Work and Pensions may compare it against—

(a) the name, date of birth and address of individuals appearing in the following types of data kept by the Secretary of State—

(i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and

(ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty's Revenue and Customs);

(b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of such results, the Secretary of State for Levelling Up, Housing and Communities may disclose them to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Where the Secretary of State for Levelling Up, Housing and Communities does so, the registration officer must take the results into account in determining the application.

(8) In this regulation—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;

“qualification information”, in respect of an applicant, means—

(a) the applicant's full name provided in accordance with section 1C(1)(a) of the 1985 Act and regulation 26(1)(a),

(b) any name provided by the applicant in accordance with regulation 18(3)(a),

(c) the applicant's date of birth provided in accordance with regulation 26(1)(e),

(d) the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.]

#### **Textual Amendments**

**F95** Regs. 29ZA, 29ZB inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **14**

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**F109** Regs. 29ZAA, 29ZAB inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(10)** (with Sch. 2 para. 2(d))

## Processing of information provided in connection with an application under section 10ZC or 10ZD

**29ZB.**—(1) If a person provides an original document under regulation 26A(4), 26B(2) to (4) or 26B(8), [<sup>F110</sup>26C(5), 26D(2), 26F(2)(a) or (4), 26G(3)(a) or 26J(3),] the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any application under section 10ZC or 10ZD of the 1983 Act, the registration officer must retain until the application has been determined—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application [<sup>F111</sup>transmitted to the registration officer by the Secretary of State];
- (b) any other information or documents provided to the registration officer in connection with the application or, in the case of original documents which are returned under paragraph (1), a copy of such documents.

(3) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but, if they do so, must delete the applicant's national insurance number from the application form, information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the application under section 10ZC or 10ZD.

(4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.

(5) Information disclosed under regulation 29ZA [<sup>F112</sup>, 29ZAA or 29ZAB] may not be disclosed to any other person, except—

- (a) for the purpose of determining the application in connection with which the information was disclosed; <sup>F113</sup> ...

[<sup>F114</sup>(aa) in the case of information disclosed under regulation 29ZA [<sup>F115</sup>or 29ZAA], for the purposes of determining—

- (i) a relevant absent voting application made by the same applicant where that information is used by the Secretary of State to complete in part the relevant absent voting application by virtue of regulation 51(7)(a),
- (ii) an application for an absent vote made under Part 1 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012 by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of paragraph 11(5A)(a) of Schedule 2 to that Order,
- (iii) an application for absent signing made under Part 4 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of regulation 60(6A)(a) of those Regulations, or
- (iv) an identity document application, as defined by regulation 3(1) of the Voter Identification Regulations 2022, made by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of regulation 5(2) of those Regulations, or]
- (b) for the purpose of any civil or criminal proceedings.



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(6) A person who discloses information in breach of paragraph (5) is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(7) Any person who discloses information under regulation 29ZA <sup>F116</sup>, 29ZAA or 29ZAB] must process it in accordance with any requirements as to the processing of information that may have been imposed by the <sup>F117</sup>Secretary of State for Levelling Up, Housing and Communities] in writing, including requirements as to the transfer, storage, destruction and security of that information.

(8) Any requirements, in accordance with which a person must process information, must be imposed by the <sup>F118</sup>Secretary of State for Levelling Up, Housing and Communities] before a registration officer is required to disclose that information under regulation 29ZA(1) <sup>F119</sup>, 29ZAA(2) or 29ZAB(2)].

(9) “Copy” in this regulation includes an electronic copy.]

#### Textual Amendments

- F95** Regs. 29ZA, 29ZB inserted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), **14**
- F110** Words in reg. 29ZB(1) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(11)(a)** (with Sch. 2 para. 2(d))
- F111** Words in reg. 29ZB(2)(a) inserted (31.10.2023) by The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), regs. 1(2), **9(3)(a)**
- F112** Words in reg. 29ZB(5) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(11)(b)(i)** (with Sch. 2 para. 2(d))
- F113** Word in reg. 29ZB(5) omitted (31.10.2023) by virtue of The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), regs. 1(2), **9(3)(b)(i)**
- F114** Reg. 29ZB(5)(aa) inserted (31.10.2023) by The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), regs. 1(2), **9(3)(b)(ii)**
- F115** Words in reg. 29ZB(5)(aa) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(11)(b)(ii)** (with Sch. 2 para. 2(d))
- F116** Words in reg. 29ZB(7) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(11)(c)** (with Sch. 2 para. 2(d))
- F117** Words in reg. 29ZB(7) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(6)** (with art. 12)
- F118** Words in reg. 29ZB(8) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(6)** (with art. 12)
- F119** Words in reg. 29ZB(8) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(11)(d)** (with Sch. 2 para. 2(d))

#### Modifications etc. (not altering text)

- C1** Regs. 29ZA, 29ZB: transfer of functions (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), arts. 1(2), **7(3)(b)** (with arts. 8, 11, 12)

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## Procedure for determining applications for registration and objections without a hearing

**29.**—(1) A registration officer shall discharge his functions of determining [<sup>F120</sup>an application under section 10ZC(1)(a) or 10ZD(1)(a) of the 1983 Act or considering an objection under section 10ZC(2), 10ZD(2) or 10ZE(5)(a) of that Act] in accordance with this regulation and regulations 30 [<sup>F121</sup>to 31A] below.

[<sup>F122</sup>(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 [<sup>F123</sup>and nationality] of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

[<sup>F124</sup>(2AA) Where an application for registration has been made and that application is successful, the registration officer must give confirmation in writing to the applicant of that fact, before either—

- (a) publication of the revised register to which the applicant will be added under section 13(1) of the 1983 Act; or
- (b) issue of a notice of alteration under section 13A(2) of that Act specifying that the applicant's name will be added to the register,

whichever is appropriate.

(2AB) Where confirmation is given under paragraph (2AA) in relation to an application for registration made in response to an invitation to register under section 9E(1) of the 1983 Act [<sup>F125</sup>or made in pursuance of an overseas elector's declaration], the registration officer must give that confirmation either—

- (a) by delivering it to the applicant, leaving it at the applicant's address or sending it to the applicant's address by post; or
- (b) by electronic means.

(2AC) Where confirmation is given under paragraph (2AA) in relation to an application for registration made other than in response to an invitation to register under section 9E(1) of the 1983 Act [<sup>F126</sup>or in pursuance of an overseas elector's declaration]—

- (a) the registration officer must give confirmation by delivering it to the applicant, by leaving it at their address or by sending it to them by post; and
- (b) the confirmation must give the registration officer's contact details and must request that any person who receives that confirmation inform the registration officer if the applicant is not resident at the address in respect of which the application was made.

(2AD) A confirmation given under paragraph (2AA) must—

- (a) contain the date on which the applicant's name will be published in the revised register under section 13(1) or in a notice of alteration under section 13A(2) of the 1983 Act; and
- (b) where—
  - (i) the registration officer has information that the applicant is registered in respect of a different address from the one in respect of which they have applied to be registered; and

- (ii) in their application for registration, the applicant has identified that address as being an address at which they have ceased to reside in accordance with regulation 26(1)(c);

inform the applicant that their entry relating to that address will be removed from the register under section 10ZE(2) of the 1983 Act.

(2AE) In the case of an application to register in pursuance of a service declaration, or an overseas elector's declaration, the address to be used for the purposes of paragraph (2AB)(a) or (2AC)(a) is the address the applicant has given under regulation 26(4)(a) or [F12726(5)(zb)], as appropriate.

(2AF) The Electoral Commission must—

- (a) design the forms of confirmation to be used under paragraph (2AA);
- (b) obtain the approval of the [F128Secretary of State] to the forms; and
- (c) then make them available to registration officers.]

[F129(2AG) Before giving approval for the purposes of sub-paragraph (2AF)(b), the [F130Secretary of State] must consult the Scottish Ministers.]

(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) [F131Subject to paragraph (4A),] the registration officer may allow an application without a hearing provided that no objection is made within [F132the period of five days beginning with the day following] the entry of the application in the list of applications.

[F133(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 [F134...]; and he shall so inform the objector.

[F135(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—

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- (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.

[<sup>F136</sup>(8) In this regulation, “qualifying address” includes the address specified in an overseas elector’s declaration in accordance with [<sup>F137</sup>section 1C(2)(a)(i), (3)(a)(i) or (4)] of the 1985 Act.]

### Textual Amendments

- F120** Words in reg. 29(1) substituted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **15(a)**
- F121** 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)**
- F122** 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)**
- F123** Words in reg. 29(2A) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **15(b)**
- F124** Reg. 29(2AA)-(2AF) substituted for reg. 29(2AA)-(2AE) (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **6(1)** (with reg. 6(2))
- F125** Words in reg. 29(2AB) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(12)(a)** (with Sch. 2 para. 2(d))
- F126** Words in reg. 29(2AC) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(12)(b)** (with Sch. 2 para. 2(d))
- F127** Word in reg. 29(2AE) substituted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(12)(c)** (with Sch. 2 para. 2(d))
- F128** Words in reg. 29(2AF) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(7)** (with art. 12)
- F129** Reg. 29(2AG) inserted (18.5.2017) by [The Scotland Act 2016 \(Consequential and Saving Provisions\) Regulations 2017 \(S.I. 2017/602\)](#), regs. 1, **6**
- F130** Words in reg. 29(2AG) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(7)** (with art. 12)
- F131** 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)**
- F132** 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)**
- F133** 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)**
- F134** 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)**
- F135** 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)**

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**F136** 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)**

**F137** Words in reg. 29(8) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(12)(d)** (with Sch. 2 para. 2(d))

**Modifications etc. (not altering text)**

**C2** Reg. 29(4) modified (31.10.2019) by Early Parliamentary General Election Act 2019 (c. 29), ss. **1(4)**, **2(1)**

**Commencement Information**

**I6** 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
- (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**

**I7** 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**

**I8** Reg. 31 in force at 16.2.2001, see **reg. 1(1)**

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### **[<sup>F138</sup>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) [<sup>F139</sup>13AB(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**

**F138** Reg. 31A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **10**

**F139** Word in reg. 31A(1)(c) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(4), **44**

### **[<sup>F140</sup>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 [<sup>F141</sup>31FZA].

[<sup>F142</sup>(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), 10ZE(1)(a) and 15(2)(aa) of the 1983 Act; and
  - (ii) [<sup>F143</sup>section 1D(4)(a)] of the 1985 Act;
- (b) determining, under the following provisions, whether a person was registered or their entry has been altered as a result of an application made by another person—
  - (i) sections 7(3)(ab), 7A(3)(ab), 7C(2)(ab), 10ZE(1)(c) and 15(2)(ab) of the 1983 Act; and

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- (ii) <sup>F144</sup>section 1D(4)(b)] of the 1985 Act;
- (c) determining under section 10ZE(1)(b) of the 1983 Act whether a person has ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.]

#### Textual Amendments

- F140** 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**
- F141** Word in reg. 31B(1) substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **7(1)** (with reg. 7(3))
- F142** Reg. 31B(2) substituted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **16**
- F143** Words in reg. 31B(2)(a)(ii) substituted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(13)(a)**
- F144** Words in reg. 31B(2)(b)(ii) substituted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(13)(b)**

#### <sup>F145</sup>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 a determination under section 10ZE of the 1983 Act in respect of an elector without following the procedure set out in regulations 31D to 31F.

- (2) The circumstances specified in this paragraph are where <sup>F146</sup>...—
- (a) the registration officer has received information either through the digital service or from another registration officer that—
    - (i) the elector has made an application under section 10ZC or 10ZD of the 1983 Act in respect of an address which is different from the one in respect of which they are registered;
    - (ii) in that application the elector has in accordance with regulation 26(1)(c) identified the address in respect of which they are registered as being an address at which they have ceased to reside; and

the relevant registration officer has determined that the person should be entered on the register maintained by that officer; or

- (b) the registration officer—
  - (i) has information from at least two sources that support such a determination;
  - (ii) has been provided with a death certificate in respect of the elector; or
  - (iii) has been notified by the registrar of births and deaths that the elector has died <sup>F147</sup>; or]
- <sup>F148</sup>(c) the registration officer has not received the information referred to in paragraph (2)(b)(ii) or (iii) but—
  - (i) has determined that the elector has died after inspecting records kept by—
    - (aa) the council by which the registration officer was appointed; or
    - (bb) a person providing services to, or authorised to exercise any function of, that council;

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- (ii) has received information from the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector, which allows the registration officer to determine that the elector has died;
- (iii) has received information as a result of the annual canvass required by section 9D of the 1983 Act, which allows the registration officer to determine that the elector has died; or
- (iv) has received information from a person managing a care home where the elector was resident, which allows the registration officer to determine that the elector has died.]

[<sup>F149</sup>(2A) The information referred to in paragraph (2)(c)(ii) and (iv) may be provided in person, by telephone or in writing and must include—

- (a) the full name and address of the elector who has died;
- (b) the full name and address of the person providing the information and, in the case of information received under paragraph (2)(c)(ii), that person’s relationship to the elector; and
- (c) a statement that the person providing the information is aware of the penalty for providing false information to a registration officer.

(2B) Where the information referred to in paragraph (2)(c)(ii) and (iv) has been provided in person or by telephone by virtue of paragraph (2A), the registration officer must record that information in writing or in data form.]

[<sup>F150</sup>(3) In this regulation—

“care home” means a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010 and “care home service” has the meaning given to it by paragraph 2 of schedule 12 of that Act;

“elector” means a person who is duly entered in a register in respect of an address.]]

### Textual Amendments

- F140** 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**
- F145** Reg. 31C substituted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **17**
- F146** Word in reg. 31C(2) omitted (1.7.2018) by virtue of [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **4(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(a)** (with reg. 1(4))
- F147** Word in reg. 31C(2)(b) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **4(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(b)** (with reg. 1(4))
- F148** Reg. 31C(2)(c) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **4(c)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(c)** (with reg. 1(4))
- F149** Reg. 31C(2A)(2B) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **4(c)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(c)** (with reg. 1(4))
- F150** Reg. 31C(3) substituted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **4(d)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(d)** (with reg. 1(4))



## Procedure for reviewing entitlement to registration

**31D.**—(1) A registration officer [<sup>F151</sup>must], 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.

[<sup>F152</sup>(3A) In relation to the registration of local government electors, paragraph (2)(b) does not apply where the subject of the review is under the age of 16.]

(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 [<sup>F153</sup>is or was not entitled to be registered, or has an entry in the register which results from or was altered as the result of an application made by another person,] 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.

[<sup>F154</sup>(4A) A notice specified for the purposes of paragraph (4)(a) must also state that—

- (a) where the subject of the review does not notify the registration officer within 14 days beginning with the date of the notice that the subject requires the review to be heard, the registration officer may determine the review and remove the subject's entry from the register;
- (b) the subject of the review would not be entitled to a right of appeal against the registration officer's determination in the circumstances described in sub-paragraph (a); and
- (c) after 14 days beginning with the date of the notice, the subject of the review can contact the registration officer to find out if the registration officer has removed the subject's entry from the register.]

(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 [<sup>F155</sup>, that the subject of the review was registered and their entry has been altered as the result of an application made by another person,] or, as the case may be, [<sup>F156</sup>that the subject of the review] 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

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(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.

[<sup>F157</sup>(7) The registration officer may send a notice to the subject of the review which states that—

- (a) the registration officer is not satisfied that the subject of the review is or was entitled to be registered, or that the subject's entry in the register does not result from or has not been altered as the result of an application made by another person, and the grounds for the registration officer's opinion;
- (b) if, within 14 days beginning with the date of the notice, the subject of the review does not require the review to be heard, the registration officer may determine the review and remove the subject's entry from the register;
- (c) the subject of the review would not be entitled to a right of appeal against the registration officer's determination in the circumstances described in sub-paragraph (b); and
- (d) after 14 days beginning with the date of the notice, the subject of the review can contact the registration officer to find out if the registration officer has removed the subject's entry from the register.]

(8) Where—

- (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 [<sup>F158</sup>, that the subject of the review was registered and their entry has been altered as the result of an application made by another person,] or, as the case may be, [<sup>F159</sup>that the subject of the review] 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

**F140** 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**

**F151** Word in reg. 31D(1) substituted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **18(2)**

**F152** Reg. 31D(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **6(2)**, 21

**F153** Words in reg. 31D(4)(a) substituted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **18(3)**

**F154** Reg. 31D(4A) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **5(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **5(a)** (with reg. 1(4))

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- F155** Words in reg. 31D(5) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **18(4)(a)**
- F156** Words in reg. 31D(5) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **18(4)(b)**
- F157** Reg. 31D(7) substituted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **5(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **5(b)** (with reg. 1(4))
- F158** Words in reg. 31D(8) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **18(6)(a)**
- F159** Words in reg. 31D(8) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **18(6)(b)**

### 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.
- [
- <sup>F160</sup>(5) In relation to the registration of local government electors, this regulation does not apply to any review where the subject of the review is under the age of 16.]

### Textual Amendments

- F140** 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**
- F160** Reg. 31E(5) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 6(3), 21**

### 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 16/01/2024.

**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 11 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 [<sup>F161</sup>, that the subject of the review was registered and their entry has been altered as the result of an application made by another person,] or, as the case may be, [<sup>F162</sup>that the subject of the review] 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

**F140** 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**

**F161** Words in reg. 31F(6) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **19(a)**

**F162** Words in reg. 31F(6) inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **19(b)**

#### [<sup>F163</sup>Notification of outcome of reviews

**31FZA.**—(1) Where the registration officer is required to send to the subject of the review a notice under regulation 31D(2) and the subject of the review has required the review to be heard or has made representations to the registration officer, the registration officer must notify the subject of the review in writing of its outcome and when doing so—

- (a) state whether there is a right of appeal under section 56(1)(azd) or (aa) of the 1983 Act;
- (b) specify the time within which any notice of appeal under that section must be given (in accordance with regulation 32(2)); and
- (c) provide such other information about the appeal that the registration officer considers necessary.

(2) Where the registration officer is required to send to the subject of the review a notice under regulation 31D(2) and the subject of the review has not required that the review be heard, or has not made any representations to the registration officer, the registration officer may notify the subject of the review of its outcome and when doing so state that there is no right of appeal of that decision.]

#### Textual Amendments

**F163** Reg. 31FZA substituted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **6** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **6** (with reg. 1(4))

#### [<sup>F164</sup>Determinations of entitlement to remain registered during the annual canvass

**31FA.**—[

**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 11 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)

<sup>F165</sup>(1) If a registration officer is required by section 10ZE(5)(b) of the 1983 Act to consider making a determination under section 10ZE(1) of that Act as a result of information received in response to the canvass conducted under section 9D of that Act, the registration officer must so far as reasonably practicable take any relevant steps under regulations 31D to [<sup>F166</sup>31FZA] so as to enable the relevant determination to be made [<sup>F167</sup>, and the subject of the review to be notified of the outcome of the determination,] before the registration officer publishes a revised version of the register under section 13(1)(a) of the 1983 Act.

[  
<sup>F168</sup>(2) This regulation does not apply where under regulation 31C(2)(c)(iii) a registration officer has received information as a result of the annual canvass which allows the registration officer to determine that the elector has died.]]

#### Textual Amendments

- F164** Reg. 31FA inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), **20**
- F165** Reg. 31FA renumbered as reg. 31FA(1) (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **7(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **7(a)** (with reg. 1(4))
- F166** Word in reg. 31FA substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **8(a)**
- F167** Words in reg. 31FA inserted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **8(b)**
- F168** Reg. 31FA(2) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **7(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **7(b)** (with reg. 1(4))

#### <sup>F169</sup>Anonymous registration: applications and declarations

- 31G.**—(1) An application for an anonymous entry must state—
- the applicant's full name;
  - the address given in accordance with regulation 26(1)(b);
  - the reason for the application; and
  - 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—
- the particulars given in accordance with paragraph (1) are true;
  - so far as he is aware, the evidence provided in pursuance of paragraph (3) is genuine; and
  - where paragraph (4) applies—
    - the person to whom the evidence relates is a person of the same household of the applicant, and
    - so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

(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).

[  
<sup>F170</sup>(7) Where an application for an anonymous entry is made by a person who is, or who has applied to be, registered as an elector in pursuance of an overseas elector's declaration, this regulation applies as if—

- (a) in paragraph (1)—
  - (i) the reference in sub-paragraph (b) to regulation 26(1)(b) were a reference to section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act;
  - (ii) after sub-paragraph (b) there were inserted—
    - “(ba) the address given in accordance with regulation 18(4) or 22B(1);”;
- (b) paragraph (6) were omitted.]

#### Textual Amendments

- F169** 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)
- F170** Reg. 31G(7) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(14)** (with Sch. 2 para. 2(d))

#### Modifications etc. (not altering text)

- C3** Reg. 31G(3) modified (20.12.2013) by [The Register of Young Voters \(Anonymous Entries\) \(Scotland\) Order 2013 \(S.S.I. 2013/357\)](#), arts. 1, **3**
- C4** Reg. 31G(3) modified (20.12.2013) by [The Register of Young Voters \(Anonymous Entries\) \(Scotland\) Order 2013 \(S.S.I. 2013/357\)](#), arts. 1, **4**

### 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

- F169** 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)

*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 11 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)*

**Modifications etc. (not altering text)**

- C5** Reg. 31H(2)(a) modified (20.12.2013) by [The Register of Young Voters \(Anonymous Entries\) \(Scotland\) Order 2013 \(S.S.I. 2013/357\)](#), arts. 1, 4
- C6** Reg. 31H(2)(a) modified (20.12.2013) by [The Register of Young Voters \(Anonymous Entries\) \(Scotland\) Order 2013 \(S.S.I. 2013/357\)](#), arts. 1, 3

**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 [F171 or section 360 of the Sentencing Code];
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
- [F172](e) a non-harassment order, interdict or interim interdict made under section 8 or 8A 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 [F173];
- (h) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997;
- (i) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997;
- (j) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997;
- (k) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998.]
- [ a matrimonial interdict within the meaning of section 14 of the Matrimonial Homes [F174](1) (Family Protection) (Scotland) Act 1981;
- (m) a domestic interdict within the meaning of section 18A of the Matrimonial Homes (Family Protection) (Scotland) Act 1981;
- (n) a relevant interdict within the meaning of section 113 of the Civil Partnership Act 2004;
- (o) an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the Domestic Abuse (Scotland) Act 2011;
- (p) any interdict with an attached power of arrest made under section 1 of the Protection from Abuse (Scotland) Act 2001;
- (q) a forced marriage protection order or interim forced marriage protection order made under any of the following provisions—

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

- (i) Part 4A of the Family Law Act 1996;
  - (ii) section 2 of, and paragraph 1 of Schedule 1 to, the Forced Marriage (Civil Protection) Act 2007;
  - (iii) section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011; and
  - (iv) section 5 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011.]
- [ a domestic violence protection order made under section 28 of the Crime and Security Act 2010 or section 97 of, and paragraph 5 of Schedule 7 to, the Justice Act (Northern Ireland) 2015;
- (s) a female genital mutilation protection order made under section 5A of, and paragraphs 1 or 18 of Schedule 2 to, the Female Genital Mutilation Act 2003.]
- (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.

#### Textual Amendments

- F169** 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)
- F171** Words in reg. 31I(3)(c) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 330** (with Sch. 27); S.I. 2020/1236, reg. 2
- F172** Reg. 31I(3)(e) substituted (19.12.2013) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(2)(b), **21(1)(a)**
- F173** Reg. 31I(3)(h)-(k) inserted (17.3.2009) by [The Representation of the People \(Amendment\) Regulations 2009 \(S.I. 2009/725\)](#), regs. 1(1), **13**
- F174** Reg. 31I(3)(l)-(q) inserted (19.12.2013) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(2)(b), **21(1)(b)**
- F175** Reg. 31I(3)(r)(s) inserted (1.4.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(2), **8** (with reg. 1(4)) and [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2018 \(S.I. 2018/427\)](#), regs. 1(2), **8**

#### 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.

[



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<sup>F176</sup>(2A) Where the applicant is or has applied to be registered in pursuance of an overseas elector's declaration, the reference in paragraph (2)(a) to the applicant's qualifying address includes a reference to the address provided by the applicant in accordance with regulation 18(4) or 22B(1).]

(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) [<sup>F177</sup>a police officer of or above the rank of [<sup>F178</sup>inspector]] of any police force in England and Wales;
  - (b) [<sup>F179</sup>a police officer of or above the rank of [<sup>F180</sup>inspector]] of [<sup>F181</sup>the Police Service of Scotland];
  - (c) [<sup>F182</sup>a police officer of or above the rank of [<sup>F183</sup>inspector]] 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 [<sup>F184</sup>;
  - (j) any director of social services of a Health and Social Services Board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;
  - (k) any executive director of social work of a Health and Social Services Trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.]
- [ any registered medical practitioner;
- <sup>F185</sup>(l)
- (m) any registered nurse or midwife;
  - (n) any person who manages a refuge.]

[  
<sup>F186</sup>(4A) In this regulation “refuge” means accommodation together with a planned programme of therapeutic and practical support for victims of, or those at risk of, domestic abuse or violence.]

[  
<sup>F187</sup>(5) In relation to the registration of local government electors, where the applicant is under the age of 16 on the date on which the application is made—

- (a) “qualifying officer” also includes a person authorised in writing for the purposes of this regulation by an officer referred to in paragraph (4)(f), and
- (b) where the attestation is signed by a person so authorised, the attestation must be accompanied by a copy of the person's authorisation.]]

#### Textual Amendments

**F169** 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)

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

- F176** Reg. 31J(2A) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(15)** (with Sch. 2 para. 2(d))
- F177** Words in reg. 31J(4)(a) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **14(a)**
- F178** Word in reg. 31J(4)(a) substituted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(a)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(a)**
- F179** Words in reg. 31J(4)(b) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **14(b)**
- F180** Word in reg. 31J(4)(b) substituted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(a)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(a)**
- F181** Words in reg. 31J(4)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 81**
- F182** Words in reg. 31J(4)(c) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **14(c)**
- F183** Word in reg. 31J(4)(c) substituted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(a)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(a)**
- F184** Reg. 31J(4)(j)(k) inserted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **14(d)**
- F185** Reg. 31J(4)(l)-(n) inserted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(b)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(b)**
- F186** Reg. 31J(4A) inserted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(c)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **10**
- F187** Reg. 31J(5) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 7, 21**

## Registration appeals

**32.**—<sup>F188</sup>(1) This regulation makes provision in connection with the right of appeal under section 56(1)(a), (aza), (azb), (azc), (azd), (aa) and (ab) of the 1983 Act.]

(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.

**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 11 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) 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**

**F188** Reg. 32(1) substituted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, **6**

**Commencement Information**

**I9** Reg. 32 in force at 16.2.2001, see [reg. 1\(1\)](#)

**Annual canvass: register of local government electors**

<sup>F189</sup>**32ZA.** . . . . .

**Textual Amendments**

**F189** Reg. 32ZA revoked (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **5**

**Steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address**

<sup>F190</sup>**32ZB.** . . . . .

**Textual Amendments**

**F190** Reg. 32ZB revoked (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **6**

<sup>F191</sup><sup>F192</sup>**Annual canvass**

**32ZBA.**—(1) Before conducting the annual canvass required by section 9D(1) of the 1983 Act, each registration officer must comply with paragraph (1) of regulation 32ZBB in respect of a register <sup>F193</sup> . . . . .

(2) Each registration officer must conduct the annual canvass in respect of a residential address in the area for which they are responsible in accordance with regulation 32ZBD, for the purposes of a register <sup>F194</sup> . . . . .

(3) The obligation in paragraph (2) does not apply in a case described in paragraph (4) or (5) (but see paragraph (6)).

(4) The first case is where—

(a) having taken into account the information described in paragraph (7), the registration officer—

(i) is satisfied that it is not necessary to remove a person registered at the address from a register <sup>F195</sup> . . .; and

(ii) has no reason to believe that any addition may be required to such a register in respect of the address; and

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- (b) having proceeded to conduct the annual canvass in accordance with regulation 32ZBE—
  - (i) the registration officer remains satisfied as to the matters in sub-paragraph (a); or
  - (ii) in circumstances where the registration officer has reason to believe that—
    - (aa) it may be necessary to remove a person registered at that address from a register <sup>F195</sup> ...; or
    - (ba) a person who resides at the address may be entitled to be added to such a register,
 the registration officer is aware of that person’s name.
- (5) The second case is where—
  - (a) the address is in respect of a property to which regulation 32ZBF(2) applies;
  - (b) the registration officer has—
    - (i) identified a responsible person in respect of that property within the meaning of regulation 32ZBF(8); and
    - (ii) attempted to make contact with the responsible person in accordance with regulation 32ZBF(5) [<sup>F196</sup>or (5A)]; and
  - (c) the responsible person has, within a reasonable time of the registration officer making that attempt, communicated the information described in regulation 32ZBF(5)(a) to (c) to the officer.
- (6) Where any of the information described in paragraph (7) or taken into account in accordance with paragraph (8) indicates that only persons under the age of 18 are registered at an address <sup>F197</sup> ..., the registration officer must conduct the annual canvass in respect of that address in accordance with regulation 32ZBD.
- (7) The information in this paragraph is—
  - (a) the results of the data comparison described in regulation 32ZBB, where disclosed to the registration officer by the [<sup>F198</sup>Secretary of State for Levelling Up, Housing and Communities] in accordance with paragraph (6) of that regulation; and
  - (b) any information which the registration officer may hold following the determination of an application under section 10ZC(1) or 10ZD(1) of the 1983 Act in respect of a person—
    - (i) whose name has not yet been published in a notice of alteration under section 13A(2) of that Act; or
    - (ii) excluded from the data comparison described in regulation 32ZBB by virtue of paragraph (7) of that regulation.
- (8) In determining whether either of the cases described in paragraphs (4) or (5) is made out, the registration officer may take into account any other information which the officer may hold in writing or in data form for the purposes of the officer’s registration duties <sup>F199</sup> ..., or any information which that officer may inspect for those purposes.

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, 4)
- F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F193** Words in reg. 32ZBA(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **7(a)**

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- F194** Words in reg. 32ZBA(2) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(a)**
- F195** Words in reg. 32ZBA(4) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(a)**
- F196** Words in reg. 32ZBA(5)(b)(ii) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(b)**
- F197** Words in reg. 32ZBA(6) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(c)**
- F198** Words in reg. 32ZBA(7)(a) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(8)** (with art. 12)
- F199** Words in reg. 32ZBA(8) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(c)**

### Annual canvass data matching

**32ZBB.**—(1) Subject to paragraphs (7) and (8), each registration officer must disclose to the [F200Secretary of State for Levelling Up, Housing and Communities] the matching data in respect of each person aged 16 or over who is registered in a register <sup>F201</sup>... maintained by that registration officer.

(2) The matching data must be disclosed in such format and through such an infrastructure system as the [F202Secretary of State for Levelling Up, Housing and Communities] may have notified to the registration officer in writing.

(3) Following receipt of the matching data from the registration officer, the [F203Secretary of State for Levelling Up, Housing and Communities] may disclose that data to the Secretary of State [F204for Work and Pensions].

(4) Where matching data has been disclosed to the Secretary of State [F205for Work and Pensions] under paragraph (3), the Secretary of State [F205for Work and Pensions] may compare it against information appearing in the following types of database kept by the Secretary of State [F205for Work and Pensions]—

- (a) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities (Northern Ireland)); and
- (b) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty's Revenue and Customs).

(5) The Secretary of State [F206for Work and Pensions] may disclose the results of the data comparison to the [F207Secretary of State for Levelling Up, Housing and Communities].

(6) On receipt of such results, the [F208Secretary of State for Levelling Up, Housing and Communities] may disclose them to the registration officer in whose register the person concerned is registered.

(7) Where—

- (a) a registration officer has successfully determined a person's application under section 10ZC(1) or 10ZD(1) of the 1983 Act at any time during the 90 day period ending with the day before the day on which the registration officer proposes to commence disclosure of matching data in accordance with paragraph (1); and
- (b) that person's entry on the register has been published in a notice of alteration under section 13A(2) of the 1983 Act,

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the registration officer may disclose matching data for that person to the [<sup>F209</sup>Secretary of State for Levelling Up, Housing and Communities] but is not required to do so.

(8) Where a person falls within the scope of section 9D(6) of the 1983 Act the registration officer must not disclose that person’s matching data under paragraph (1).

(9) In this regulation—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;

“matching data” means—

- (a) a person’s full name;
- (b) where held by the registration officer, a person’s date of birth;
- (c) the address, including postcode, of the property at which a person is registered;
- (d) where held by the registration officer, the unique property reference number of the property at which a person is registered; and
- (e) any other information held by the registration officer which relates to a person’s entry on the register and which the [<sup>F210</sup>Secretary of State for Levelling Up, Housing and Communities] may have specified in writing;

F211  
...

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, 4)
- F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F200** Words in reg. 32ZBB(1) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(a)** (with art. 12)
- F201** Words in reg. 32ZBB(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **8**
- F202** Words in reg. 32ZBB(2) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(a)** (with art. 12)
- F203** Words in reg. 32ZBB(3) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(b)(i)** (with art. 12)
- F204** Words in reg. 32ZBB(3) inserted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(b)(ii)** (with art. 12)
- F205** Words in reg. 32ZBB(4) inserted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(c)** (with art. 12)
- F206** Words in reg. 32ZBB(5) inserted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(d)(i)** (with art. 12)
- F207** Words in reg. 32ZBB(5) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(9)(d)(ii)** (with art. 12)

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- F208** Words in reg. 32ZBB(6) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(9)(e)** (with art. 12)
- F209** Words in reg. 32ZBB(7) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(9)(e)** (with art. 12)
- F210** Words in reg. 32ZBB(9) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(9)(f)(i)** (with art. 12)
- F211** Words in reg. 32ZBB(9) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(9)(f)(ii)** (with art. 12)

#### Modifications etc. (not altering text)

- C7** Regs. 32ZBB, 32ZBC: transfer of functions (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), arts. 1(2), **7(3)(b)** (with arts. 8, 11, 12)

### Processing of information in connection with annual canvass data matching

**32ZBC.**—(1) Information disclosed under regulation 32ZBB may not be disclosed to any other person, except—

- (a) so that it may be taken into account by a registration officer for the purposes of determining whether the annual canvass may be conducted otherwise than in accordance with regulation 32ZBD in respect of a register <sup>F212</sup> ...;
- (b) for the purpose of any civil or criminal proceedings.

(2) A person who discloses information in breach of paragraph (1) is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or both.

(3) Any person who processes information under regulation 32ZBB must do so in accordance with any requirements as to the processing of information that may have been imposed by the [<sup>F213</sup>Secretary of State for Levelling Up, Housing and Communities], including requirements as to the transfer, storage, destruction and security of that information.

(4) Where a registration officer processes the results of the data matching for the purposes of determining whether the officer may conduct the annual canvass required by section 9D(1) of the 1983 Act otherwise than in accordance with regulation 32ZBD, the officer must do so in accordance with any requirements as to the processing of information that may have been imposed by the [<sup>F214</sup>Secretary of State for Levelling Up, Housing and Communities] in relation to the register of parliamentary electors.

(5) Where the [<sup>F215</sup>Secretary of State for Levelling Up, Housing and Communities] imposes requirements as to processing under paragraph (3) or (4), such requirements must be imposed before a registration officer is required to disclose that information under regulation 32ZBB.

**Status:** Point in time view as at 16/01/2024.

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### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, 4)
- F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F212** Words in reg. 32ZBC(1)(a) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **9**
- F213** Words in reg. 32ZBC(3) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(10)** (with art. 12)
- F214** Words in reg. 32ZBC(4) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(10)** (with art. 12)
- F215** Words in reg. 32ZBC(5) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(10)** (with art. 12)

### Modifications etc. (not altering text)

- C7** [Regs. 32ZBB, 32ZBC](#): transfer of functions (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), arts. 1(2), **7(3)(b)** (with arts. 8, 11, 12)

### Annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received

**32ZBD.**—(1) A registration officer must attempt to make contact with a person who is, or may be eligible to be, registered, in a register <sup>F216</sup>..., at a residential address in the area for which the officer is responsible by—

- (a) sending a paper communication to the address, or
- (b) visiting the address in order to obtain the information required by the canvass form.

(2) If no information in response is received within a reasonable time following an attempt to make contact with a person under paragraph (1), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(3) If no information in response is received within a reasonable time following an attempt to make contact with at least one person under paragraph (2), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(4) Subject to paragraphs (6) to (9) a registration officer may comply with the requirements in paragraphs (2) and (3) by any of the following means—

- (a) by sending a paper communication to the address;
- (b) where the registration officer holds a telephone number for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;

[ where the registration officer holds a telephone number for one or more persons aged 16 <sup>F217</sup>(ba) or over who are registered in the register of local government electors at the address, and



whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;]

- (c) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by sending a communication by electronic means to each of those persons; <sup>F218</sup> ...

[ where the registration officer holds relevant contact details for one or more persons <sup>F219</sup>(ca) aged 16 or over who are registered in the register of local government electors at the address, and whom the registration officer believes are resident at the address, by sending a communication by electronic means to each of those persons; or]

- (d) by visiting the address.

(5) Where a registration officer has complied with the requirements in paragraphs (1) and (2) but has not done so in either case by sending the canvass form to the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending that form to the address.

(6) Where a registration officer has complied with the requirement in paragraph (2) other than by sending a paper communication to the address or by visiting the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending a paper communication to the address or visiting the address but, where paragraph (5) applies, the registration officer must instead do so by sending the canvass form to that address.

(7) Where no information has been received in response to an attempt to make contact with a person under paragraph (3), and a registration officer has not already made an attempt to contact a person at that address by means of a telephone call or calls under paragraph (4)(b) or by visiting the address, the officer must make an attempt by one or other of these means in order to obtain the information required by the canvass form.

(8) A registration officer complies with the requirements in paragraphs (2), (3) or (7) by means of a telephone call or calls under paragraph (4)(b) [<sup>F220</sup>or (ba)] without having to make a telephone call to each of the persons to whom that sub-paragraph relates, where—

- (a) one of those persons to whom that sub-paragraph relates has provided the information required by the canvass form; or
- (b) an identical telephone number is held in respect of all persons to whom that sub-paragraph relates.

(9) Where a registration officer complies with the requirements in paragraphs (1), (2) or (3) by sending a canvass form—

- (a) before sending the form the registration officer must if practicable print on the form—

- (i) any information required by the canvass form which the officer already holds in respect of each person who is registered at the address in a register <sup>F221</sup>..., with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; <sup>F222</sup>...

- (ii) the full name and nationality of each person whose application to be registered at the address in a register of parliamentary electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and

- <sup>F223</sup>(iii) [ the full name, date of birth and nationality of each person whose application to be registered at the address in a register of local government electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of

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alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and]

- (b) the form must be accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid.

[  
F224(9A) In relation to the registration of local government electors, the registration officer must not, under paragraph (9), print on the form the date of birth of any person aged under 16.]

(10) In this regulation—

“canvass form” means the canvass form designed by the Electoral Commission under regulation 32ZBG(1)(a)(ii);

“paper communication” means—

- (a) the canvass form, or  
(b) the canvass communication B designed by the Electoral Commission under regulation 32ZBG(1)(a)(iii).

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, **4**)
- F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F216** Words in reg. 32ZBD(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(a)**
- F217** Reg. 32ZBD(4)(ba) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(b)(i)**
- F218** Word in reg. 32ZBD(4)(c) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(b)(ii)**
- F219** Reg. 32ZBD(4)(ca) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(b)(iii)**
- F220** Words in reg. 32ZBD(8) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(c)**
- F221** Words in reg. 32ZBD(9)(a)(i) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(d)(i)**
- F222** Word in reg. 32ZBD(9)(a)(i) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(d)(ii)**
- F223** Reg. 32ZBD(9)(a)(iii) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(d)(iii)**
- F224** Reg. 32ZBD(9A) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **10(e)**

**Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required**

**32ZBE.**—(1) Paragraph (2) applies where, having taken into account the information described in regulation 32ZBA(7), a registration officer—

- (a) is satisfied that it is not necessary to remove a person registered at a residential address in the area for which they are responsible from a register <sup>F225</sup>...; and
- (b) has no reason to believe that any addition may be required to a register <sup>F225</sup>... in respect of the address.

(2) The registration officer may proceed to conduct the annual canvass for a register <sup>F226</sup>... by complying with the requirements of paragraphs (3) to (6) (but see paragraph (7)).

(3) A registration officer must send either of the following—

- (a) a canvass communication A to the address; or

<sup>F227</sup>(b) where—

- (i) the registration officer hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors, or
- (ii) the registration officer hold relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors, a communication by electronic means to each of those persons.]

(4) Any communication sent under <sup>F228</sup>paragraph (3)(b)(i)] must require the recipient to—

- (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of parliamentary electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate; and
- (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 16 or over who is residing at the address and who is eligible to be registered in a register of parliamentary electors.

<sup>F229</sup>(4A) Any communication sent under paragraph (3)(b)(ii) must require the recipient to—

- (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of local government electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate;
- (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 14 or over who is residing at the address and who is eligible to be registered in a register of local government electors; and
- (c) provide to the registration officer the date of birth of each person aged 14 or 15 who is residing at the address and who is eligible to be registered in a register of local government electors.]

(5) In circumstances where a registration officer—

- (a) does not hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors; or
- (b) has sent a communication by electronic means under <sup>F230</sup>paragraph (3)(b)(i)] to one or more persons in respect of the address and has not, within a reasonable time of sending

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the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.

[  
<sup>F231</sup>(5A) In circumstances where a registration officer—

- (a) does not hold relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors; or
- (b) has sent a communication by electronic means under paragraph (3)(b)(ii) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.]

(6) The registration officer must, before sending a canvass communication A, print on the communication the full name and nationality of each person—

- (a) who is registered at the address in a register <sup>F232</sup>..., with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; or
- (b) whose application to be registered at the address in a register <sup>F232</sup>... under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act.

(7) If, after complying with the requirements of paragraphs (3) to (6), a registration officer has reason to believe—

- (a) that it may be necessary to remove a person registered at that address from a register <sup>F233</sup>...; or
- (b) that a person who resides at the address may be entitled to be registered in a register <sup>F233</sup>...,

but is not aware of that person's name, the officer must conduct the annual canvass in accordance with regulation 32ZBD in respect of the address.

(8) In this regulation, “canvass communication A” means a document in the form designed by the Electoral Commission under regulation 32ZBG(1)(a)(i).

#### Textual Amendments

**F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, **4**)

**F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**

**F225** Words in reg. 32ZBE(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(a)**

**F226** Words in reg. 32ZBE(2) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(a)**

**F227** Reg. 32ZBE(3)(b) substituted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(b)**

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- F228** Words in reg. 32ZBE(4) substituted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **11(c)**
- F229** Reg. 32ZBE(4A) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **11(d)**
- F230** Words in reg. 32ZBE(5)(b) substituted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **11(e)**
- F231** Reg. 32ZBE(5A) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **11(f)**
- F232** Words in reg. 32ZBE(6) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **11(a)**
- F233** Words in reg. 32ZBE(7) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **11(a)**

### Annual canvass in respect of particular types of property

**32ZBF.**—(1) Paragraph (4) applies where a registration officer has identified a responsible person in respect of a property to which paragraph (2) applies in the area for which the officer is responsible.

(2) Subject to paragraph (3), this paragraph applies to—

- (a) a property at which is situated a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010, where “care home service” has the meaning given by paragraph 2 of Schedule 12 to that Act;
- (b) a house in multiple occupation within the meaning of section 125 of the Housing (Scotland) Act 2006;
- (c) a building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education;
- (d) a property—
  - (i) at which persons reside who together do not form a single household; or
  - (ii) in respect of which a registration officer has made an attempt to deliver a document in the previous 18 months but has been unable to do so, and

in respect of which a registration officer reasonably believes that conducting the annual canvass in accordance with this regulation is more likely to fulfil its purpose under section 9D(2) of the 1983 Act than if conducted in accordance with any other part of these Regulations.

(3) Paragraph (2)(d) does not apply to a building containing two or more flats which are occupied or intended to be occupied wholly or mainly for residential purposes.

(4) The registration officer may proceed to conduct the annual canvass for that property in respect of a register <sup>F234</sup> ... by complying with paragraph (5) [<sup>F235</sup> or (5A)] (but see paragraph (7)).

(5) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 16 or over who is residing at that property and is eligible to be registered in a register of parliamentary electors—

- (a) full name;
- (b) nationality.

[

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<sup>F236</sup>(5A) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 14 or over who is residing at that property and is eligible to be registered in a register of local government electors—

- (a) full name;
- (b) nationality;
- (c) date of birth.]

(6) A registration officer may comply with paragraph (5) [<sup>F237</sup>or (5A)] by any means the registration officer thinks appropriate, including—

- (a) by sending a paper communication;
- (b) by visiting the property;
- (c) by telephone;
- (d) by electronic means.

(7) If, after complying with the requirements of paragraph (5) [<sup>F238</sup>or (5A)], the registration officer does not receive the information requested within a reasonable time of having made the attempt to contact the responsible person the registration officer must conduct the annual canvass in respect of that property in accordance with regulation 32ZBD.

(8) For the purposes of this regulation “responsible person” means any person who lawfully holds or has access to, and may lawfully disclose to the registration officer, any of the information in paragraph (5) [<sup>F239</sup>or (5A)] in relation to the residents of a property to which paragraph (2) applies.

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, **4**)
- F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F234** Words in reg. 32ZBF(4) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(a)(i)**
- F235** Words in reg. 32ZBF(4) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(a)(ii)**
- F236** Reg. 32ZBF(5A) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(b)**
- F237** Words in reg. 32ZBF(6) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(c)**
- F238** Words in reg. 32ZBF(7) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(c)**
- F239** Words in reg. 32ZBF(8) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(c)**

#### Electoral Commission requirements

**32ZBG.**—(1) The Electoral Commission must—

- (a) design the following—
  - (i) a paper canvass communication A;
  - (ii) a paper canvass form;

- (iii) a paper canvass communication B;
  - (b) obtain the approval of the [<sup>F240</sup>Secretary of State] to the communications and the form; and
  - (c) make the designs available to registration officers.
- (2) Before giving the approval referred to in paragraph (1)(b) the [<sup>F241</sup>Secretary of State] must consult the Scottish Ministers.
- (3) The canvass communication A referred to in paragraph (1)(a)(i) must—
- (a) include a space for the full name and nationality of each person who is registered in a register <sup>F242</sup>... at the address to which the communication relates;
  - (b) include a space for the full name and nationality of each person whose application for registration at the address in a register <sup>F243</sup>... under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent;
  - (c) where a person's personal data has been processed under regulation 32ZBB prior to the registration officer sending the communication, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the communication will be processed in accordance with such requirements;
  - (d) require the occupier or, if there is no occupier, or it is not reasonably practicable for the occupier to provide the required information, the person in charge of the premises—
    - (i) to notify the registration officer responsible for the area in which the address is situated if any of the information provided in the communication is incomplete or inaccurate; <sup>F244</sup>...
    - (ii) to provide the registration officer with the full name and nationality of each person aged 16 or over who is eligible to be registered in a register <sup>F245</sup>..., and is residing at the address to which the communication relates, where that information is not included in the communication; [<sup>F246</sup>and
    - (iii) to provide the registration officer with the full name, date of birth and nationality of each person aged 14 or 15 who is eligible to be registered in the register of local government electors, and is residing at an address to which the communication relates, where that information is not included in the communication;]
  - (e) set out the manner in which the responses referred to in subparagraph (d) may be provided, and—
    - (i) require a named person at the address to which the communication relates to make a declaration that the information contained in such responses is true; and
    - (ii) require an indication, if the person making the declaration is not resident at the address, of the capacity in which they are making it.
- (4) The canvass form referred to in paragraph (1)(a)(ii) must—
- (a) require the recipient to provide the full name and nationality of each person aged 16 or over who is eligible to be registered in a register <sup>F247</sup>... and is residing at the address to which the form is delivered;
  - (b) include a space for the full name and nationality of each person whose application for registration at the address in a register <sup>F248</sup>... under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the canvass form will be sent;

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- (c) where a person's personal data has been processed prior to the registration officer sending the form, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the form will be processed in accordance with such requirements;
  - (d) include space for the email address and telephone number or numbers of each person residing at the address who is entitled to be registered in a register <sup>F249</sup> ..., together with an explanation that provision of this information is not mandatory;
  - (e) include a declaration that the information provided is true, to be made by a named person at the address to which the form is given and include an indication, if the person who is making the declaration is not resident at the address, of the capacity in which they are making it.
- [ require the recipient to provide the full name, date of birth and nationality of each person <sup>F250</sup>(f) aged 14 or 15 who is eligible to be registered in a register of local government electors and is residing at the address to which the form is delivered.]]

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, 4)
- F192** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F240** Words in reg. 32ZBG(1)(b) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(11)** (with art. 12)
- F241** Words in reg. 32ZBG(2) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 29(11)** (with art. 12)
- F242** Words in reg. 32ZBG(3)(a) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(i)**
- F243** Words in reg. 32ZBG(3)(b) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(i)**
- F244** Word in reg. 32ZBG(3)(d)(i) omitted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(ii)**
- F245** Words in reg. 32ZBG(3)(d)(ii) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(i)**
- F246** Reg. 32ZBG(3)(d)(iii) and word inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(iii)**
- F247** Words in reg. 32ZBG(4)(a) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(b)(i)**
- F248** Words in reg. 32ZBG(4)(b) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(b)(i)**



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- F249** Words in reg. 32ZBG(4)(d) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **13(b)(i)**
- F250** Reg. 32ZBG(4)(f) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **13(b)(ii)**

## Invitations to apply for registration

**32ZC.**—(1) The Electoral Commission must—

- (a) design an invitation to apply for registration;
- (b) obtain the approval of the [<sup>F251</sup>Secretary of State] to the invitation; and
- (c) then make the invitation available to registration officers.

[<sup>F252</sup>(1A) Before giving approval for the purposes of sub-paragraph (1)(b), the [<sup>F253</sup>Secretary of State] must consult the Scottish Ministers.]

(2) The invitation in paragraph (1) must include—

- (a) the full name and address of the person to be invited;
- (b) an explanation of how to make an application for registration; <sup>F254</sup> ...
- (c) a statement as to the circumstances in which a civil penalty may be imposed under section 9E of the 1983 Act, and the amount of the civil penalty; [<sup>F255</sup>and]  
[ the website address of the digital service.]

<sup>F256</sup>(d)

[<sup>F257</sup>(2A) In relation to the registration of local government electors, where the person to be invited is under the age of 16, the invitation in paragraph (1) must also include an explanation of how the person's information will be held and used.]

(3) Where a registration officer is required by section 9E(1) of the 1983 Act to give a person an invitation to apply for registration—

- (a) the registration officer must give the invitation as soon as reasonably practicable and in any event within 28 days of the conditions in section 9E(1) being satisfied;
- (b) the invitation must be in the form designed by the Electoral Commission under paragraph (1);
- (c) the invitation must be accompanied by an application form in the form designed by the Electoral Commission under regulation 26(3), on which the registration officer has, if practicable, printed the full name and address of the person to be invited; and
- (d) the invitation, the application form and a pre-addressed reply envelope, return postage of which has been prepaid, must be given in an envelope on which is printed—
  - (i) a direction requesting that the envelope is not redirected if it is incorrectly addressed; and
  - (ii) a direction requesting that any other person who receives the envelope who is resident at the address to which the invitation is addressed inform the registration officer if the addressee is not resident at that address and the registration officer's contact details in order that they may do so.

[<sup>F258</sup>(4) The registration officer must give the invitation either—

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- (a) by delivering it to the person, leaving it at the person's address or sending it to the person by post; or
  - (b) by electronic means.
- (5) Where an invitation mentioned in paragraph (3) is given by electronic means, the registration officer need not comply with sub-paragraphs (c) and (d) of that paragraph.]

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, 4)
- F251** Words in reg. 32ZC(1)(b) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(12)** (with art. 12)
- F252** Reg. 32ZC(1A) inserted (18.5.2017) by The Scotland Act 2016 (Consequential and Saving Provisions) Regulations 2017 (S.I. 2017/602), regs. 1, **8**
- F253** Words in reg. 32ZC(1A) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 29(12)** (with art. 12)
- F254** Word in reg. 32ZC(2)(b) omitted (27.4.2017) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **8(a)(i)**
- F255** Word in reg. 32ZC(2)(c) inserted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **8(a)(i)**
- F256** Reg. 32ZC(2)(d) inserted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **8(a)(ii)**
- F257** Reg. 32ZC(2A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 3(2)**, 21
- F258** Reg. 32ZC(4)(5) inserted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **8(b)**

#### Steps to be taken by a registration officer to encourage a person to make an application for registration in response to an invitation to do so

**32ZD.**—(1) If a registration officer has given a person an invitation to apply for registration under section 9E(1) of the 1983 Act and the person has not made an application to register within a reasonable time of receipt of the invitation, the registration officer must give the person a second invitation.

(2) If no application is received in respect of the second invitation within a reasonable time of receipt of the second invitation, the registration officer must give the person a third invitation.

(3) The registration officer may visit the address at which the first invitation was given in order to encourage the person to make an application for registration at any time and must make or have made one visit if no application has been received in response to the third invitation.

[  
<sup>F259</sup>(3A) In relation to the registration of local government electors, paragraph (3) does not require a registration officer to make, or have made, any visits in the case where the invitations were given to a person under the age of 16.]

(4) The second and third invitations to apply for registration, if required, must be in the same form as the first invitation to apply for registration.

(5) Paragraphs (1) to (3) do not apply if the registration officer is satisfied that—

- (a) the person is not entitled to be registered at the address [<sup>F260</sup>in respect of which] the invitation or invitations to register was or were given; or
  - (b) the person is registered at a different address.
- (6) Paragraphs (1) to (3) do not apply in relation to a person whom the registration officer has reason to believe would, if registered, be registered—
- (a) in pursuance of an application made by virtue of section 7(2) or 7A(2) of the 1983 Act;
  - (b) in pursuance of a declaration of local connection, service declaration or overseas elector’s declaration; or
  - (c) with an anonymous entry.

[<sup>F261</sup>(6) Paragraph (3) does not apply if, on the date that the registration officer gave an invitation to apply for registration under section 9E(1) of the 1983 Act, the person was a person to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies.]

#### Textual Amendments

- F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by [S.I. 2014/1250](#), regs. 1, **4**)
- F259** Reg. 32ZD(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 3(3)**, 21
- F260** Words in reg. 32ZD(5)(a) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **9**
- F261** Reg. 32ZD(6) inserted (27.6.2020) by virtue of [The Representation of the People \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/180\)](#), regs. 1(2), **6**

#### Requiring a person to make an application for registration

**32ZE.**—(1) Where a registration officer requires a person to make an application for registration by a specified date under section 9E(4) of the 1983 Act, the registration officer must give the person notice in writing of the requirement.

- (2) A registration officer may not require a person to apply for registration unless—
  - (a) the registration officer has taken the last of the steps required by regulation 32ZD;
  - (b) the registration officer has established that the person—
    - (i) has received an invitation to apply for registration;
    - (ii) has been informed how to make an application for registration; and
    - (iii) has been informed that the registration officer may impose a civil penalty if the person is required to make an application but does not do so; and
  - (c) the registration officer has established that the person is resident at the address [<sup>F262</sup>in respect of which] the invitations to apply for registration were given.
- (3) A notice under paragraph (1) must state—
  - (a) the date by which the person must make an application for registration;
  - (b) that, if the person does not make an application by that date, the registration officer may impose a civil penalty on that person;

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

- (c) the amount of any such civil penalty and the rate of interest payable if the penalty is not paid on time;
- (d) that, if the person is not entitled to be registered, they must, before the date in sub-paragraph (a), inform the registration officer of that fact and explain why they are not so entitled, and the person is not required to make an application for registration;
- (e) that, if the person is registered at another address, they must, before the date in sub-paragraph (a), inform the registration officer of that fact and provide that address, and the person is not required to make an application for registration;
- (f) that the person may make other representations before the date in sub-paragraph (a) as to why they should not be required to make an application to register by the specified date, or why a civil penalty should not be imposed if they do not do so.

[  
F263(3A) In relation to the registration of local government electors, the following provisions of this regulation do not apply in the case of a person who is under the age of 16—

- (a) paragraphs (2)(b)(iii) and (3)(b) and (c),
- (b) paragraph (3)(f), so far as requiring a notice to state that the person may make representations about why a civil penalty should not be imposed.]

(4) The registration officer must give with the notice an application form in the form designed by the Electoral Commission under regulation 26(3) on which the registration officer has, if practicable, printed the full name and address of the person.

(5) A registration officer must cancel a requirement to make an application for registration, and give the person concerned notice in writing of the cancellation, if—

- (a) the registration officer is satisfied that the person is not entitled to be registered at the address [F264 in respect of which] the invitations to register were given; or
- (b) the registration officer is satisfied that the person is registered at a different address; or
- (c) any of the requirements in paragraph (2) has not been met.

(6) A registration officer may cancel a requirement to make an application for registration if the registration officer considers it appropriate to do so and must give the person concerned notice in writing of the cancellation.

#### Textual Amendments

**F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, **4**)

**F262** Words in reg. 32ZE(2)(c) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **10**

**F263** Reg. 32ZE(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **3(4)**, 21

**F264** Words in reg. 32ZE(5)(a) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **10**

#### Notice of Civil Penalty

**32ZF.**—(1) The amount of the civil penalty, which a registration officer may impose under section 9E(7) of the 1983 Act, is £80.

(2) Where the registration officer imposes a civil penalty under that section, the registration officer must give the person notice in writing that the penalty has been imposed and specify the reasons for imposing it.

(3) The notice in paragraph (2) must state that the person must—

- (a) within 28 days of the date of the notice, make an application to register;
- (b) within 28 days of the date of the notice, pay the full amount of the civil penalty; or
- (c) within 14 days of the date of the notice, request a review of the decision to impose the civil penalty.

(4) The notice in paragraph (2) must also state—

- (a) the amount due;
- (b) how to make payment;
- (c) the rate of interest payable if the penalty is not paid on time; and
- (d) that making an application to register within 28 days will prevent the person being liable to pay the civil penalty.

#### Textual Amendments

**F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, 4)

#### Payment, enforcement and cancellation of civil penalty

**32ZG.**—(1) Subject to paragraph (2), a person on whom a civil penalty is imposed under section 9E(7) of the 1983 Act must pay the amount of the penalty to the registration officer who imposed it within 28 days of the date of the notice given under regulation 32ZF(2).

(2) If a person on whom a civil penalty is imposed requests a review under regulation 32ZH(1) or brings an appeal under regulation 32ZI(1), the 28 day period in paragraph (1) ceases to run whilst that review or appeal is being considered, and in the calculation of that period—

- (a) the day on which the review is requested or the appeal brought shall be excluded; and
- (b) the day on which the review or appeal is concluded shall be included.

(3) If the person does not pay the civil penalty as required by paragraph (1) or (2), interest at 8% per annum will be charged from the date payment becomes overdue to the date of payment.

(4) A civil penalty not paid in accordance with paragraph (1) or (2) and any interest on the civil penalty is recoverable as a civil debt.

(5) A registration officer must cancel a civil penalty, and give the person concerned notice in writing of the cancellation, if—

- (a) the person makes an application for registration at any time before the time for payment of the civil penalty in paragraph (1) or (2) has elapsed;
- (b) the registration officer is satisfied that—
  - (i) the person is not entitled to be registered at the address [<sup>F265</sup>in respect of which] the invitations to register were given; or
  - (ii) the person is registered at a different address; or
- (c) any of the requirements in regulation 32ZE(2) has not been met.

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

(6) A registration officer may cancel the civil penalty if the registration officer considers it appropriate to do so and must give the person concerned notice in writing of the cancellation.

#### Textual Amendments

**F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, **4**)

**F265** Words in [reg. 32ZG\(5\)\(b\)\(i\)](#) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **11**

#### Review of registration officer's decision to impose a civil penalty

**32ZH.**—(1) A person on whom a civil penalty has been imposed may request a review of the registration officer's decision to impose the penalty.

(2) A request under paragraph (1) must be made in writing within 14 days of the date of the notice given under regulation 32ZF(2).

(3) Where a person requests a review of the registration officer's decision under paragraph (1), the registration officer must within 7 days of receiving the request give notice in writing to the person—

- (a) acknowledging the request;
- (b) informing the person that they may within 14 days of the date of the notice—
  - (i) make representations explaining why they have not made an application to register or why the civil penalty should be cancelled;
  - (ii) submit evidence in support of such representations; and
- (c) explaining how such representations may be made and such evidence may be submitted.

(4) The registration officer must carry out a review, and such review may not start before the earlier of—

- (a) the end of the fourteenth day after the date of the notice sent under paragraph (3); or
- (b) the receipt of any representations or evidence.

(5) Following a review under paragraph (4), the registration officer may—

- (a) uphold the decision to issue a civil penalty; or
- (b) cancel the civil penalty.

(6) The registration officer must inform the person in writing of the outcome of the review.

(7) If the registration officer upholds the decision to impose a civil penalty, the notice must also state that the person on whom the penalty has been imposed—

- (a) may appeal against that decision to the First-tier Tribunal, and how to make such an appeal; and
- (b) must pay the penalty by a specified date, which shall be the date on which the 28 day period in regulation 32ZG(1) or (2) expires.

#### Textual Amendments

**F191** Regs. 32ZA-32ZI inserted (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(c), **22** (as amended by S.I. 2014/1250, regs. 1, **4**)

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 11 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)

Appeals to the First-tier Tribunal against a notice of civil penalty

32ZI.—(1) If a registration officer upholds the decision to issue a civil penalty under regulation 32ZH(5)(a), the person on whom the penalty was imposed may appeal to the First-tier Tribunal.

- (2) On an appeal under paragraph (1) the First-tier Tribunal may—
(a) uphold the registration officer’s decision to impose the civil penalty; or
(b) cancel the civil penalty.]

Textual Amendments

F191 Regs. 32ZA-32ZI inserted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(c), 22 (as amended by S.I. 2014/1250, regs. 1, 4)

[F266] 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

F266 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)

Modifications etc. (not altering text)

C8 Reg. 32A applied (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 3 para. 2(e)

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

F267 33. ....

Textual Amendments

F267 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

F268 34. ....

Textual Amendments

F268 Reg. 34 omitted (4.3.2015) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2015 (S.I. 2015/450), regs. 1, 7

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

### 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.
- (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.

[<sup>F269</sup>(4) For the purposes of paragraph (1), a registration officer's "registration duties" do not include the officer's functions in relation to a relevant absent voting application.]

#### Textual Amendments

**F269** Reg. 35(4) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(16)**

#### Commencement Information

**I10** Reg. 35 in force at 16.2.2001, see [reg. 1\(1\)](#)

### [<sup>F270</sup>Disclosure of certain local authorities' records

**35A.**—(1) The council by which a registration officer was appointed may disclose to that registration officer information contained in records held by that council, for any of the purposes mentioned in paragraph 1A(1) of Schedule 2 to the 1983 Act [<sup>F271</sup>except for the purpose of verifying information related to a person named in a relevant absent voting application].

(2) A disclosure under paragraph (1) may be made only in accordance with a written agreement between the council and the registration officer regulating the processing of the information, including its transfer, storage, destruction and security.

(3) Where a council refuses a request by a registration officer to disclose information under paragraph (1) it must give the registration officer written reasons for its refusal.]

#### Textual Amendments

**F270** Reg. 35A inserted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, 7

**F271** Words in reg. 35A(1) inserted (16.1.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **10(17)**

### Notices in connection with registration

**36.**—(1) A notice under section 13(3) of the 1983 Act(**3**) must be published—

- (a) not less than 14 days before the publication of the revised version of the register to which it relates;

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



**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 11 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)

- (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) [<sup>F272</sup>13AB(2)] [<sup>F273</sup>], 13B(3) [<sup>F274</sup>, (3B) or (3D)] [<sup>F275</sup> or 13BC(3) or (6)] of that Act must be issued by—
- [<sup>F276</sup>(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 [<sup>F277</sup>regulation 29(2AA), 31C and 31FZA] above, sending a copy of it to any person affected by its contents.
- [<sup>F278</sup>(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..]
- [<sup>F279</sup>(4) For the purposes of section 13BC(5)(a) of the 1983 Act (alteration of the registers: recall petition), the prescribed time is one hour before the end of the signing period (within the meaning of section 9(2) of the Recall of MPs Act 2015).]

#### Textual Amendments

- F272** Word in reg. 36(2) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(4), **44**
- F273** Comma in reg. 36(2) substituted for word (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, **152(2)(a)(i)**
- F274** 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)**
- F275** Words in reg. 36(2) inserted (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, **152(2)(a)(ii)**
- F276** 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**
- F277** Words in reg. 36(2)(b) substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **9**
- F278** 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)**
- F279** Reg. 36(4) inserted (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, **152(2)(b)**

#### Commencement Information

- I11** Reg. 36 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### [<sup>F280</sup>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.

*Status: Point in time view as at 16/01/2024.*

*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 11 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)*

(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

**F280** 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

#### Modifications etc. (not altering text)

**C9** Reg. 36A applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 2\(f\)](#)

### 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

**I12** 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

**I13** 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

**I14** 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(4) (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 [F281section 1C(2)(a)(i), (3)(a)(i) or (4)] of the 1985 Act(5).

(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(6).

### Textual Amendments

**F281** Words in reg. 40(1)(b) substituted (16.1.2024) by *The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406)*, regs. 1(2), **10(18)** (with Sch. 2 para. 2(d))

### Commencement Information

**I15** 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

**I16** Reg. 41 in force at 16.2.2001, see **reg. 1(1)**

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

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

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

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

**[<sup>F282</sup> 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**  
**F282** 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 [<sup>F283</sup>entry] in the register of electors, this indicates that he is registered in the registers of parliamentary and local government electors.

[<sup>F284</sup>(2) To indicate that a qualifying foreign national or a person to whom section 3(1A) of the 1983 Act applies is registered only in the register of local government electors, the letter “M” shall be placed against their entry.]

<sup>F285</sup>(3) .....

<sup>F285</sup>(4) .....

(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 [<sup>F283</sup>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 [<sup>F283</sup>entry].

<sup>F286</sup>(7) .....

**Textual Amendments**  
**F283** 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**  
**F284** Reg. 42(2) substituted (3.8.2020 for specified purposes, 1.9.2020 in so far as not already in force) by [The Representation of the People \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/180\)](#), regs. 1(3)(4), 7; S.S.I. 2020/162, reg. 2  
**F285** Reg. 42(3)(4) revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 2** (as amended by S.I. 2019/1389, regs. 1, 2(2))  
**F286** Reg. 42(7) revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 2** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**Commencement Information**  
**I17** Reg. 42 in force at 16.2.2001, see [reg. 1\(1\)](#)

*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 11 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)*

## Publication of register

**43.**—<sup>[F287]</sup>(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
  - (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

**F287** 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

**I18** 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) <sup>[F288]</sup>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<sup>(7)</sup>.

(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;

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

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

- (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;
  - (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<sup>(8)</sup>.
- [<sup>F289</sup>(6) The document referred to in paragraph (1) shall state the total number of electors who have an anonymous entry.]

#### Textual Amendments

**F288** 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)**

**F289** 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

**I19** 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 [<sup>F290</sup>and maintain] 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 [<sup>F291</sup>section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act and the elector’s present address].

[<sup>F292</sup>(1A) But in the case of a person who has an anonymous entry, the list of overseas electors must contain only—

- (a) the person’s electoral number, and
- (b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1) of the 1983 Act (in the absence of a further application under section 9B of that Act).]

(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 [<sup>F293</sup>who do not have an anonymous entry must be listed in alphabetical order, followed by the electoral numbers of persons with an anonymous entry].

(8) 1994 c. 39.

**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 11 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)

(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 [<sup>F294</sup>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.

<sup>F295</sup>(4) .....

#### Textual Amendments

- F290** Words in reg. 45(1) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(19)(a)(i)** (with Sch. 2 para. 2(d))
- F291** Words in reg. 45(1) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(19)(a)(ii)** (with Sch. 2 para. 2(d))
- F292** Reg. 45(1A) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(19)(b)**
- F293** Words in reg. 45(2) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(19)(c)**
- F294** 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**
- F295** Reg. 45(4) revoked (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 2** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)

#### Commencement Information

- I20** Reg. 45 in force at 16.2.2001, see **reg. 1(1)**

#### [<sup>F296</sup>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

- F296** 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**

**Status:** Point in time view as at 16/01/2024.

**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 11 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)

## 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.

(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

**F296** 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**

### Modifications etc. (not altering text)

**C10** Reg. 45B(2) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 5**

## 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.



**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 11 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)

(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**

**F296** 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.

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

<sup>F297</sup>(3) .....

<sup>F297</sup>(4) .....

**Textual Amendments**

**F296** 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**

**F297** 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) [<sup>F298</sup>so far as the record relates to an anonymous entry in a register of local government electors,] 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—

**Status:** Point in time view as at 16/01/2024.

**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 11 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) 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.

#### Textual Amendments

**F296** 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**

**F298** Words in reg. 45E(1)(c) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **39(3)**

#### 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

**F296** 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**

**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 11 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)

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

<sup>F299</sup> 45G. ....

### Textual Amendments

**F299** Reg. 45G revoked (15.9.2014) by [The Donations to Candidates \(Anonymous Registration\) Regulations 2014 \(S.I. 2014/1805\)](#), regs. 1(2), **3(b)**

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

<sup>F300</sup> 46. ....

### Textual Amendments

**F300** 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 free copies of register and list of overseas electors on request

<sup>F300</sup> 47. ....

### Textual Amendments

**F300** 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

<sup>F300</sup> 48. ....

### Textual Amendments

**F300** 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

<sup>F300</sup> 49. ....

### Textual Amendments

**F300** 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 16/01/2024.

**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 11 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.