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STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

[^{F1}PART 6

SUPPLY OF REGISTER ETC

[^{F1}Supply on request and specific restrictions

Textual Amendments

- F1** Pt. 6 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), 14

Supply of full register etc. under regulations 102 to 108: general provisions

101.—(1) The persons or organisations falling within regulations 102 to 108 below may request the registration officer to supply free of charge the relevant part (within the meaning of those regulations) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
 - (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [^{F2}, (3B) or (3D)] of that Act;
 - (c) a list of overseas electors.
- (2) Such a request shall be made in writing and shall—
- (a) specify the documents requested;
 - (b) subject to paragraph (5) below, state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication for as long as the person making the request falls within the category of person entitled to receive such copies, and
 - (c) state whether a printed copy of any of the documents is requested instead of the version in data form.
- (3) Unless a request has been made in advance of supply under paragraph (2)(c) above, the copy of a document supplied under this regulation shall be in data form.
- (4) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) above in accordance with a request that has been duly made.
- (5) A person falling within regulation 107 below may not make the request set out in paragraph (2) (b) above.
- (6) A person who obtains a copy of any document under paragraph (4) above may use it for any purpose for which that person would be entitled to obtain that document under these Regulations

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and any restrictions which apply under whichever of regulations 102 to 108 entitles that person to obtain that document for that purpose shall apply to such use.

Textual Amendments

- F2** Words in [reg. 101\(1\)\(b\)](#) 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\(1\), 27](#)

Supply of full register etc. to elected representatives for electoral purposes and restrictions on use

102.—(1) This regulation applies to—

- (a) the Member of Parliament for any constituency wholly or partly within the registration area;
- (b) each Member of the European Parliament for an electoral region in which the registration area is situated;
- (c) each councillor for an electoral ward falling within the registration area.

(2) For the purposes of regulation 101(1) above the relevant part of the documents listed in that provision—

- (a) in the case of a Member of Parliament, is so much of them as relates to the whole or any part of the constituency which he represents as falls within the registration area;
- (b) in the case of a Member of the European Parliament, is the whole of them;
- (c) in the case of a councillor for an electoral ward, is so much of them as relates to that ward;

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

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

except for purposes in connection with the office by virtue of which he is entitled to the full register or for electoral purposes.

Supply of full register to holders of relevant elective offices and candidates

103.—(1) This regulation applies to—

- (a) the holder of a relevant elective office within the meaning of paragraph 1(8) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000;
- (b) a candidate for election at a Parliamentary or local government election.

(2) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is the whole of them.

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any information,

except for the purpose set out in paragraph (4) below.

(4) That purpose is the purpose of complying with the controls on donations contained in Schedule 7 to the Political Parties, Elections and Referendums Act 2000 or Schedule 2A to the 1983 Act(1), as the case may be.

Supply of full register etc. to local constituency parties and restrictions on use

104.—(1) This regulation applies to any person nominated to act for the purposes of this regulation for a particular constituency by the registered nominating officer (within the meaning of section 24 of the Political Parties, Elections and Referendums Act 2000) of a registered political party.

(2) Not more than one person for the same constituency may be nominated under paragraph (1) above in respect of the same registered party and registration area.

(3) In the case of a person to whom this regulation applies, the relevant part of the documents listed in regulation 101(1) above is so much of them as relates to the constituency in question.

(4) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any such information,

except for electoral purposes or the purposes of electoral registration.

Supply of full register etc. to registered political parties etc. and restrictions on use

105.—(1) This regulation applies to—

- (a) a registered political party other than a minor party, within the meaning of section 160(1) of the Political Parties, Elections and Referendums Act 2000;
- (b) a recognised third party within the meaning of section 85(5) of that Act, other than a registered political party; and
- (c) a permitted participant within the meaning of section 105(1) of that Act, other than a registered political party.

(2) In the case of the parties and participants to whom this regulation applies, the relevant part of the documents listed in regulation 101(1) above is the whole of them.

(3) No person employed by, or assisting (whether or not for reward), a party or participant to which this regulation applies and to which a copy of the register has been supplied may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any information,

except for the purposes set out in paragraph (4) below.

(4) Those purposes are—

- (a) in the case of a party falling within paragraph (1)(a) or (b) above—
 - (i) electoral purposes, and
 - (ii) the purpose of complying with the controls on donations under Part IV of or, as the case may be, Schedule 11 to, the Political Parties, Elections and Referendums Act 2000; and

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

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- (b) in the case of a permitted participant within the meaning of section 105(1) of that Act—
- (i) purposes in connection with the campaign in respect of the referendum identified in the declaration made by the participant under section 106 of that Act, and
 - (ii) the purposes of complying with the controls on donations in Schedule 15 to that Act.

Supply of full register etc. to certain councils and restrictions on use

106.—(1) Paragraphs 2 and 3 of this regulation apply to the council by which the registration officer was appointed.

(2) For the purposes of regulation 101(1) above the relevant part of the documents listed in that provision is the whole of them.

(3) No councillor or employee of the council may—

- (a) supply a copy of the full register to any person other than to another such councillor or employee;
- (b) disclose any information contained in it that is not included in the edited register, or
- (c) make use of any such information,

except for the discharge of a statutory function of the council relating to security, law enforcement and crime prevention [^{F3}, or for the purposes of a local referendum being conducted by the returning officer or] or for statistical purposes (in which case no information shall be disclosed which includes the name and address of any elector whether that name or address appears in the edited register or only in the full register).

[^{F4}(3A) In paragraph (3) “the returning officer” means the returning officer appointed for the council’s area under section 41 of the 1983 Act.]

(4) Paragraphs (5) and (6) of this regulation apply to community councils established under section 51 of the Local Government (Scotland) Act 1973(2) for the area of the council by which the registration officer was appointed.

(5) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is so much of them as relates to the area of the community council concerned.

(6) No community councillor or person employed by or otherwise assisting (whether or not for reward) a community council and to whom a copy of the register has been supplied may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it that is not included in the edited register, or
- (c) make use of any such information,

except for the purpose of establishing whether any person is entitled to attend and participate in a meeting of the community council, or for electoral purposes in relation to that council.

Textual Amendments

F3 Words in [reg. 106\(3\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), [17\(2\)](#)

F4 [Reg. 106\(3A\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), [17\(3\)](#)

Supply of full register etc, to certain candidates and restrictions on use

107.—(1) This regulation applies to a candidate at—

- (a) a parliamentary or European Parliamentary election, and
- (b) a local government election,

where any part of the area in respect of which the candidate stands for election includes the whole or part of a registration area.

(2) In this regulation “candidate” includes an individual candidate at a European parliamentary election.

(3) In the case of a registered political party which submits a list of candidates at a European Parliamentary election, the entitlement otherwise conferred by this regulation on a candidate is conferred on the election agent of that party.

(4) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is so much of them as relates to the area for which the candidate is standing.

(5) No candidate or election agent to whom a copy of the register has been supplied by virtue of this regulation may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any such information,

except for electoral purposes.

Supply of full register etc to police forces [^{F5}and other agencies,] and restrictions on use

108.—(1) This regulation applies to—

- (a) a police force in Great Britain;
- (b) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
- ^{F6}(c) the Serious Organised Crime Agency;
- (e) the Police Information Technology Organisation; ^{F7}...
- (f) any body of constables established under an enactment.

[the Security Service;

^{F8}(g)

- (h) the Government Communications Headquarters; and
- (i) the Secret Intelligence Service.]

(2) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is the whole of them.

(3) No person serving whether as a constable, officer or employee in any of the forces and organisations to which this regulation applies may—

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

except for the [^{F9}purposes specified in paragraph (4)].

[

^{F10}(4) The purposes referred to in paragraph (3) are—

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- (a) in the case of the forces and organisations falling within sub paragraphs (a) to (f) of paragraph (1)–
 - (i) the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
 - (ii) the vetting of a relevant person for the purpose of safeguarding national security; and
 - (b) in the case of the organisations falling within sub paragraphs (g) to (i) of paragraph (1), those connected with the carrying out of any of their statutory functions.
- (5) In this Regulation “relevant person” means–
- (a) a constable or officer or prospective constable or officer of the force or organisation; or
 - (b) an employee of, or applicant for employment by, the force or organisation.]

Textual Amendments

- F5** Words in [reg. 108 heading](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **18(2)**
- F6** [Reg. 108\(1\)\(c\)](#) substituted for [reg. 108\(1\)\(c\)\(d\)](#) (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, **Sch. para. 26**
- F7** Word in [reg. 108\(1\)\(e\)](#) omitted (23.3.2006) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **18(3)(a)**
- F8** [Reg. 108\(1\)\(g\)-\(i\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **18(3)(b)**
- F9** Words in [reg. 108\(3\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **18(4)**
- F10** [Reg. 108\(4\)\(5\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **18(5)**

^{F11}Supply of full register to statutory library authorities and local authority archives services, and restrictions on use

108A.—(1) A statutory library authority or local authority archives service may request the registration officer to supply free of charge the relevant part (within the meaning of paragraph (2)) of any of the following–

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [^{F12}, (3B) or (3D)] of that Act;
- (c) a list of overseas electors.

(2) For the purposes of paragraph (1) the relevant part of the documents listed in that provision is so much of them as a statutory library authority or local authority archives service has been given responsibility for keeping by a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

- (3) Such a request shall be made in writing and shall–
 - (a) specify the documents requested;
 - (b) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication; and
 - (c) state whether a printed copy of any of the documents is requested instead of the version in data form.

(4) Unless a request has been made in advance of supply under paragraph (3)(c), the copy of a document supplied under this regulation shall be in data form.

(5) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) in accordance with a request that has been duly made.

(6) Subject to paragraph (9), no person employed by the statutory library authority or local authority archives service may—

- (a) supply a copy of the full register other than to another such person or to a person using the library or the archives service to inspect it under supervision;
- (b) disclose any information contained in it (that is not contained in the edited register) otherwise than by allowing a person using the library or the archives service to inspect it under supervision; or
- (c) make use of any such information.

(7) Where a copy of the full register is made available for inspection in accordance with paragraph (6)(a) or (b) by providing the register on a computer screen or otherwise in data form, the statutory library authority or local authority archives service 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 means.

(8) A person who inspects a copy of the full register, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(9) The statutory library authority or local authority archives service is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—

- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(10) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (9) may—

- (a) supply a copy of it,
- (b) disclose such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.

(11) In this regulation—

“statutory library authority” has the same meaning as in section 5 of the Public Libraries (Scotland) Act 1955;

“local authority archives service” means an archives service of a council established under the Local Government etc. (Scotland) Act 1994.]]

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Textual Amendments

- F11** Reg. 108A inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **19**
- F12** Words in [reg. 108A\(1\)\(b\)](#) 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), **27**

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