
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497 (S.2)) (“the 2001 Regulations”).

In the main, these Regulations implement changes made by the Electoral Administration Act 2006, which (amongst other matters) provided for enhanced anti-fraud measures. These include the introduction, by section 14 of the 2006 Act, of a requirement that persons wishing to vote by post, by proxy or by postal proxy must provide their signature and date of birth when applying.

Regulation 2 makes consequential amendments to interpretation provisions of the 2001 Regulations.

Regulation 3 deals with circumstances where a person is entitled to a waiver from the requirement to provide a signature. It also updates the requirements as to how an application for an absent vote must be presented, to take account of these requirements and to allow for electronic scanning on a consistent basis.

Regulation 4 specifies that the registration officer may satisfy himself or herself as to the authenticity of the personal identifiers provided by using other records that he or she is entitled to inspect. It also allows further enquiry where an exemption is sought from the obligation to provide a signature.

Regulation 5 provides that fresh signatures are to be required by every fifth anniversary of a person being recorded as a postal voter, proxy voter or postal proxy voter.

Regulation 6 inserts new regulation 61B in the 2001 Regulations. This specifies the contents of the record of personal identifiers that the registration officer must keep and provide to returning officers for use at elections.

Regulations 7 and 11 make provision for two receptacles that are required in consequence of the new procedures.

Regulation 8 provides that following receipt of postal ballot papers at least a fifth of the returned postal votes must be set aside for personal identifier checks, and regulation 10 inserts new regulations 85A and 85B into the 2001 Regulations, to specify the procedure for verifying the personal identifiers provided in postal voting statements.

Regulation 12 substitutes new Forms A1, B1, G, H, J and K. Forms A1 and B1 have been amended to include information on postal and proxy postal poll cards about the use of dates of birth. Forms G, H and J have been amended to include date of birth details on the various forms of postal voting statement. Form K collects relevant statistics on postal ballot papers. The new form is designed to collect information relating to the verification procedures in connection with personal identifiers.

Regulation 13 removes a fee of £5 that currently applies for inspecting returns and declarations of election expenses. The fee also no longer applies for such inspection in relation to elections in England and Wales or in respect of such returns at Scottish Parliament elections.

Regulation 14 makes minor amendments to the 2001 Regulations to remove a reference to a provision that has not been brought into force and to correct and clarify some cross-references in those regulations.