
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Scotland) Regulations 2001 (“the 2001 Regulations”) in relation to procedures relating to registration and the evidence which can be used in support of an application for anonymous registration in relation to the registration of UK Parliamentary electors in Scotland. Similar changes to the process of registration of local government electors in Scotland are being made by amendments to the 2001 Regulations in a Scottish Statutory Instrument.

Regulation 3 amends regulation 26(3) of the 2001 Regulations to require the Electoral Commission to include on the form of application for registration under section 10ZC or 10ZD of the Representation of the People Act 1983 (“the application form”) a statement that persons who are not qualifying Commonwealth citizens or citizens of the Republic of Ireland are not eligible to register to vote at parliamentary elections, and that further information may be requested from the applicant or requests for checks against Government records may be made in respect of their nationality. Regulation 3 also amends regulation 26(3) of the 2001 Regulations to require the Electoral Commission to include on the application form a statement that failure to provide mandatory information on the form may delay the processing of the application.

Regulation 4 amends regulation 31C of the 2001 Regulations to add additional circumstances in which registration officers can remove an elector from the register based on a single source of evidence that the elector has died. Regulation 7 makes consequential amendment to regulation 31FA as a result.

Regulations 5 and 6 amend the notices which registration officers must send when they conduct a review. Regulation 5 amends regulation 31D of the 2001 Regulations to require the registration officer to include additional information about the review process in a notice that a review is being undertaken, and regulation 6 amends regulation 31FZA of the 2001 Regulations to allow for the sending of a notification of the outcome of a review to be discretionary where the registration officer has not received any response to a notice that a review is being undertaken.

Regulation 31G of the 2001 Regulations governs the procedure for applying for an anonymous entry in the electoral register. An application must be accompanied by evidence of the nature prescribed in regulation 31I (court orders or injunctions protecting the applicant (or another person in their household)) or regulation 31J (attestation by a qualifying officer that the safety of the applicant (or another person in their household) is at risk if the electoral register contained their name or address). Regulation 8 amends regulation 31I(3) of the 2001 Regulations to include additional court orders.

Under existing regulation 31J(4)(a) to (c) of the 2001 Regulations, police officers of or above the rank of superintendent of any police force in England and Wales, the Police Service of Scotland, or the Police Service of Northern Ireland are qualifying officers and may attest an application for anonymous registration. Regulation 9(a) amends that provision so that police officers of or above the rank of inspector of any police force in England and Wales, the Police Service of Scotland, and the Police Service of Northern Ireland are qualifying officers.

Regulation 9(b) inserts new sub-paragraphs into regulation 31J(4) of the 2001 Regulations to include within the meaning of qualifying officer any registered doctor, any registered nurse or midwife, and any refuge manager. “Registered medical practitioner” and “registered” (in relation to nurses and midwives) are defined in the Interpretation Act 1978.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Representation of the People (Scotland) (Amendment) Regulations 2018 No. 427*

Regulation 10 inserts the definition of “refuge” for the purposes of Regulation 31J of the 2001 Regulations.

Regulation 11 amends regulation 93A of the 2001 Regulations so that, following a request from a person to be included in or omitted from the edited register, the sending of confirmation that the person has been included in or omitted from the edited register by the registration officer no longer mandatory.

An impact assessment has been prepared in relation to these Regulations. Copies are available from Registration and Franchise Team, Constitution Group, 4th Floor, 1 Horse Guards Road, London SW1A 2HQ and on www.legislation.gov.uk.