
STATUTORY INSTRUMENTS

1990 No. 629

**Representation of the People (Scotland)
Amendment Regulations 1990**

Citation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) Amendment Regulations 1990.

(2) These Regulations shall extend to Scotland only.

Commencement

2. These Regulations shall come into force forthwith, except that:

- (a) regulations 4, 7, 9 to 13, 15 and 34 shall come into force when sections 1 to 4 of the Representation of the People Act 1989(1) come into force;
- (b) regulations 6, 16 to 19 and 29 to 33 shall come into force on the expiry of the period of one month commencing with the day on which these Regulations are made, except that regulations 29 to 33 shall not apply in respect of an election if the date by which notice of election for that election is required to be published preceded the expiry of that period; and
- (c) regulations 20 and 21(1), (2) and (3)(a) shall come into force on 1st July 1990, except in respect of an election if the date by which notice of election for that election is required to be published preceded that day.

Interpretation

3. In these Regulations “the Regulations of 1986” mean the Representation of the People (Scotland) Regulations 1986(2).

Amendment of the Regulations of 1986

4. In regulation 4(1) of the Regulations of 1986 (interpretation), the definition of “overseas attesting officer” shall be omitted.

5. In regulation 7(2) of the Regulations of 1986 (copies of documents made available for inspection), for the words “of, or to take extracts from,” there shall be substituted the words “(whether in handwriting or by other means) of the whole or any part of”.

6. In regulation 11 of the Regulations of 1986 (return and declaration of election expenses)—

- (a) in paragraph (2) the words “, or paragraph 8(1) of Schedule 4 to,” shall be omitted and for the sum “£1.20” there shall be substituted the sum “£1.50”; and
- (b) in paragraph (3) for the sum “12p” there shall be substituted the sum “15p”.

(1) 1989 c. 28.

(2) S.I.1986/1111.

7. In regulation 13 of the Regulations of 1986 (registration of European Parliamentary overseas electors)⁽³⁾—

- (a) at the end of paragraph (2) there shall be added the words “or, as the case may be, at which he was resident”; and
- (b) at the end of paragraph (3) there shall be added the following:
 “The entry in that Schedule in respect of section 2 of the Act of 1985 is to that section as amended by sections 3 and 4 of the Representation of the People Act 1989.”

8. In regulation 15(2) of the Regulations of 1986 (service declaration ceasing to be in force on change of circumstances), for the words from “as (a) a member” to “as the case may be” there shall be substituted the words “by virtue of the category set out in section 14(1) of the Act of 1983 giving that qualification when he made the declaration”.

9.—(1) In paragraph (1) of regulation 22 of the Regulations of 1986 (content of an overseas elector’s declaration), there shall be substituted—

- (a) for the words “paragraphs (a) to (e)” the words “paragraphs (a) to (d)”, and
 - (b) for the words “paragraphs (2) and (3)” the words “paragraphs (2) to (7)”.
- (2) After paragraph (3) of that regulation, there shall be added the following paragraphs:—
- “(4) Where a declarant has on a previous occasion made an overseas elector’s declaration in pursuance of which he was registered in a register of parliamentary electors and, since being so registered, he has not been registered in a register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom, his overseas elector’s declaration shall state those facts and give the date of the last register in which he was registered in pursuance of an overseas elector’s declaration.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words “local government” were substituted for the word “parliamentary” in the second place where it occurs.

(5) Where a declarant has not made an overseas elector’s declaration in pursuance of which he was registered in a register of parliamentary electors since being included in a register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom, or has never made such a declaration, his overseas elector’s declaration shall state—

- (a) in the case of a declarant who is the bearer of a British passport which describes his national status as “British citizen”, the number of that passport together with its date and place of issue; or
- (b) in the case of a declarant who is not the bearer of such a passport, but who was born in the United Kingdom before 1st January 1983, those facts; or
- (c) in the case of a declarant who is not the bearer of such a passport and who was not born in the United Kingdom before 1st January 1983, when and how he acquired the status of British citizen, together with the date, place and country of his birth.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words “local government” were substituted for the word “parliamentary” in the second place where it occurs.

(6) Where, in the case of a declarant to whom regulation 23 below applies (and who is accordingly required to transmit a copy of his birth certificate together with his declaration) his name on his birth

(3) Regulation 13 was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58) on the coming into force of the Single European Act (Cmnd. 9758) on 1st July 1987.

certificate is not the same as his name as given in his overseas elector's declaration, that declaration shall state the reason for the change of name.

(7) Where, in the case of a declarant to whom regulation 23 below applies, he relies on the registration of either—

- (a) a parent whose name in the register referred to in section 1(3A)(c) of the Act of 1985(4) is not the same as the name of that parent as given in either the declarant's birth certificate or overseas elector's declaration in accordance with section 2(4)(c)(iii) of the Act of 1985(5), or
- (b) a guardian whose name in the register referred to in section 1(3A)(c) of the Act of 1985 is not the same as the name of that guardian as given in the declarant's overseas elector's declaration in accordance with section 2(4)(c)(iii) of the Act of 1985,

that declaration shall state the name of the parent or, as the case may be, guardian as given in the register referred to in section 1(3A)(c) and, where known, the reason for the change or, as the case may be, changes of name or, where such reason (or reasons) is not known, a statement to that effect.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4A)(c)"(6) were substituted for the words "section 1(3A)(c)", in each place where those words occur."

10. For regulation 23 of the Regulations of 1986 (officers authorised to attest an overseas elector's declaration) there shall be substituted the following regulation:—

"Certain declarants to supply copy of birth certificates

23.—(1) This regulation applies to a person who has made an overseas elector's declaration in which he claims to be qualified as an overseas elector by virtue of the conditions set out in section 1(3A) of the Act of 1985, and who has not on a previous occasion made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4A)" were substituted for the words "section 1(3A)".

(2) Where this regulation applies, a declarant shall transmit together with his overseas elector's declaration a copy of his birth certificate which shows the names of either or both of his parents as well as his date of birth."

11. For regulation 24 of the Regulations of 1986 (attestation of an overseas elector's declaration) there shall be substituted the following regulation:—

"Attestation of certain overseas electors' declarations

24.—(1) An overseas elector's declaration shall be attested in accordance with the following paragraphs of this regulation except where the declarant has on a previous occasion made such a declaration in pursuance of which he was registered in a register of parliamentary electors and, since being so registered, he has not been included in any register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom.

(4) Section 1(3A) was inserted by section 2 of the Representation of the People Act 1989.

(5) Section 2(4)(c) was substituted by section 3 of the Representation of the People Act 1989.

(6) Section 3(4A) was inserted by section 2 of the Representation of the People Act 1989.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words “local government” were substituted for the word “parliamentary” in the second place where it occurs.

(2) An overseas elector’s declaration shall be attested by the bearer of a British passport which describes his national status as “British citizen” who—

- (a) is not resident in the United Kingdom;
- (b) is aged 18 years or over; and
- (c) knows the declarant, but is not the husband, wife, parent, grandparent, brother, sister, child or grandchild of the declarant.

(3) A person shall not attest an overseas elector’s declaration unless he is satisfied, to the best of his knowledge and belief, that the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration.

(4) A person attesting an overseas elector’s declaration shall record on it—

- (a) his full name and address;
- (b) that he is the bearer of a British passport which describes his national status as “British citizen” and the number of that passport together with its date and place of issue;
- (c) that he is aged 18 years or over;
- (d) that he is not resident in the United Kingdom on the date of the declaration;
- (e) that he knows the declarant but is not the husband, wife, parent, grandparent, brother, sister, child or grandchild of the declarant; and
- (f) that, to the best of his knowledge and belief, the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration;

and he shall sign the declaration.”.

12. In regulation 26 of the Regulations of 1986 (evidential value of an overseas elector’s declaration), paragraph (1) shall be omitted.

13. For paragraphs (2) and (3) of regulation 27 of the Regulations of 1986 (notification about registration as overseas elector) there shall be substituted the following paragraphs:—

“(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector’s declaration because—

- (a) in the opinion of the registration officer he does not qualify as an overseas elector under section 1 of the Act of 1985(7), or
- (b) the declaration does not satisfy the requirements of section 2 of the Act of 1985(8) or regulation 22 or 24 above, or
- (c) in the case of a person to whom regulation 23 above applies, the requirement in that regulation has not been complied with,

he shall return the declaration to the declarant and set out his reasons for rejecting the application for registration.

(3) For the purposes of the application of this regulation by regulation 13(5) above, paragraphs (1) and (2) above shall have effect as if, in addition to the modifications made by that regulation -

(7) Section 1 has been amended by sections 1 to 3 of the Representation of the People Act 1989.

(8) Section 2 has been amended by sections 3 and 4 of the Representation of the People Act 1989.

- (a) in paragraph (1), for the words “sections 1 and 2” there were substituted the words “sections 2 and 3”(9), and
- (b) in paragraph (2), for the words “section 1” there were substituted the words “section 3”.”.

14. After regulation 27 of the Regulations of 1986, there shall be inserted the following regulation:–

“Reminders to overseas electors

27A.—(1) Subject to paragraph (3) below, the registration officer shall, not earlier than 1st June and not later than 31st July in any year, send to a person registered in pursuance of an overseas elector’s declaration in the current register of parliamentary electors a reminder of the need to make a fresh declaration in order to be so registered in the subsequent register.

(2) A reminder under paragraph (1) shall be sent to the address given in accordance with regulation 22(1) above in the overseas elector’s declaration by virtue of which the overseas elector is currently registered or, where he has subsequently notified the registration officer that he has changed his address to some other address outside the United Kingdom, to that address.

(3) Paragraph (1) above does not apply in respect of a person there described where–

- (a) the registration officer has already received from him an overseas elector’s declaration made with reference to the next qualifying date, or
- (b) that person has notified the registration officer that he is resident in the United Kingdom, or
- (c) the period of twenty years referred to in section 1(3)(c) of the Act of 1985(10) has expired.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words “section 3(4)(c)”(11) were substituted for the words “section 1(3)(c)”.”.

15. In regulation 29(1) of the Regulations of 1986 (declarations as to age and nationality)–

- (a) for the words “, an overseas elector’s declaration or” there shall be substituted the word “or”;
- (b) at the beginning of sub-paragraph (b) there shall be inserted the words “except in the case of a person who has made an overseas elector’s declaration,”; and
- (c) after that sub-paragraph there shall be added the words–
“or (c) in the case of a person who has made an overseas elector’s declaration, to produce further evidence of his status as a British citizen including a certificate of naturalisation or a document showing that he has become such a citizen by virtue of registration”.

16. In regulation 51 of the Regulations of 1986 (free copies of register) there shall be inserted after paragraph (1) the following paragraph:–

“(1A) The registration officer shall, on publication, supply free of charge to the returning officer for an islands area or district one copy of so much of the register as relates to electoral divisions of that islands area or wards of that district”.

(9) Section 3 has been amended by sections 1 to 3 of the Representation of the People Act 1989.

(10) Section 1(3)(c) was amended by section 1 of the Representation of the People Act 1989.

(11) Section 3(4)(c) was amended by section 1 of the Representation of the People Act 1989.

17.—(1) In regulation 52 of the Regulations of 1986 (sale of lists and register), for the sums “20p” and “£2”, in each place where they occur, there shall be substituted, respectively, the sums “25p” and “£2.50”.

(2) At the end of that regulation there shall be added the following paragraph:—

“(4) Where prior to 1st November in any year the registration officer has received from any person a notice in which that person—

- (a) requests that a specified number of copies of the register of electors which is required to be published not later than 15th February in the next following year be supplied to him, and
- (b) undertakes to pay the fee at the rate set out in paragraph (3)(b) above which applies at the time of the publication of the register,

the registration officer shall, on publication of the register and on payment of that fee for each copy to be supplied, supply to that person the number of copies of the register as requested.”.

18.—(1) In paragraph (6) of regulation 53 of the Regulations of 1986 (supply of data), for the sum “£1.50” there shall be substituted the sum “£1.80”.

(2) In paragraph (7) of that regulation, for the sum “£15” there shall be substituted the sum “£18”.

19.—(1) In paragraph (3) of regulation 54 of the Regulations of 1986 (supply of labels), for the sum “£10” there shall be substituted the sum “£12”.

(2) In paragraph (4) of that regulation, for the sum “£20” there shall be substituted the sum “£25”.

20. For paragraphs (2) to (5) of regulation 64 of the Regulations of 1986 (additional requirements for applications in respect of a particular election), there shall be substituted the following paragraphs:—

“(2) Such an application—

- (a) which is received by the registration officer after noon on the thirteenth day (calculated in accordance with regulation 67(6) below) before the date of the poll at the election in question (“the standard closing date for applications”) but before noon on the sixth day (so calculated) before the date of that poll, and
- (b) in which the circumstances set out in accordance with paragraph (1) above relate to the applicant’s health,

shall—

- (i) include a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll, and
- (ii) be attested in accordance with paragraph (3) below and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 62(2) above.

(3) The person attesting an application under paragraph (2) above shall state—

- (a) his name and address and the qualification by virtue of which he is authorised to attest it; and
- (b) that, so far as he is aware, the statement included in the application in pursuance of paragraph (2)(i) above is true.

(4) An application under section 7(1) of the Act of 1985—

- (a) which is received by the registration officer between the times specified in paragraph (2)(a) above, and
- (b) in which the circumstances set out in accordance with paragraph (1) above relate to the applicant's employment either as a constable or by a returning officer on the date of the poll at the election for which the application is made for a purpose connected with that election or some other parliamentary, European Parliamentary or local government election the poll for which is held on the same day,

shall—

- (i) state the employment in question, and
- (ii) in addition to the applicant's signature, be signed, in the case of a constable, by an officer of a police force of or above the rank of inspector or, in the case of a person employed by a returning officer, by that returning officer."

21.—(1) In paragraph (2) of regulation 67 of the Regulations of 1986 (closing dates for applications), for the words "paragraphs (3) and (4)" there shall be substituted the words "paragraph (3)".

(2) For paragraphs (3) and (4) of that regulation there shall be substituted the following paragraph:—

"(3) Paragraph (2) above shall not apply to an application which satisfies the requirements of either paragraphs (2) and (3) or paragraph (4) of regulation 64 above; and such an application shall be disallowed if it is received by the registration officer after noon on the sixth day before the date of the election for which it was made."

(3) In paragraph (6) of that regulation—

- (a) for the words "this regulation" there shall be substituted the words "regulation 64 and this regulation";
- (b) before the words "general election", in both places where those words occur, there shall be inserted the word "parliamentary"; and
- (c) before the word "by-election" there shall be inserted the word "parliamentary", and after the word first mentioned there shall be inserted the words "or a local government election".

22. In regulation 71 of the Regulations of 1986 (inquiries by registration officer)—

- (a) in paragraph (1)(b) for the words "paragraph (b)(i), (c), (g) or (h)" there shall be substituted the words "paragraph (b)(i), (c) or (h)" and for the words "paragraph (b)(i), (c), (f) or (g)" there shall be substituted the words "paragraph (b)(i), (c) or (g)"; and
- (b) in paragraph (2)(b) for the words "(b)(i), (g) or (h)" there shall be substituted the words "(b)(i) or (h)" and for the words "(b)(i), (f) or (g)" there shall be substituted the words "(b)(i) or (g)".

23. In regulation 77(c) of the Regulations of 1986 (form of declaration of identity), for the year "1983" there shall be substituted the year "1985".

24. In regulation 90(3) of the Regulations of 1986 (opening of covering envelopes), after the word "signed" there shall be inserted the words "by the voter", and after the word "authenticated" there shall be inserted the words "by a witness who has signed the declaration and given his name and address".

25. In regulation 94 of the Regulations of 1986 (forwarding of documents)—

- (a) in paragraph (2), after the words “such packet” there shall be inserted the words “and endorse”, and
- (b) for paragraph (3) there shall be substituted the following paragraph:–
 - “(3) Rules 56 and 57 of the elections rules(12) shall apply to any packet or document forwarded under this regulation.”.

26. In regulation 97 of the Regulations of 1986 (modification of provisions about expenses in the Act of 1983)–

- (a) in paragraph (2), after the words “96 above” there shall be inserted the words “and in respect of the remuneration of presiding officers and clerks”, and
- (b) in paragraph (3), after the words “96 above” there shall be inserted the words “and in respect of the remuneration of presiding officers and clerks”.

27.—(1) In the provision added by paragraph (9) of regulation 98 of the Regulations of 1986 (modification of parliamentary elections rules), after the words “paragraph (1)(d) above” there shall be inserted the words “or in the list of proxies under paragraph (1)(e) above” and before the words “so as to identify” there shall be inserted the words “or, as the case may be, list”.

(2) In paragraph (1)(g) of the provisions substituted by paragraph (18) of that regulation, after the word “deliver” there shall be inserted the words “or cause to be delivered”.

(3) In paragraph (1B)(a) of the provisions substituted by paragraph (18) of that regulation, before the words “open each” there shall be inserted the words “in the presence of the counting agents”.

(4) In the form of directions for the guidance of the voters in voting substituted by paragraph (21) of that regulation, in paragraph 3 for the words “Vote only for the number of candidates specified” there shall be substituted the words “Vote for one candidate only”.

28. For form A in Schedule 2 to the Regulations of 1986 (return by householder as to residents), there shall be substituted the form set out in Schedule 2 to these Regulations.

29. In form D in Schedule 2 to the Regulations of 1986 (elector’s official poll card), for paragraph 1 on the back of the card there shall be substituted the following paragraph:–

“This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.”.

30.—(1) In the front of form G in Schedule 2 to the Regulations of 1986 (declaration of identity referred to in regulation 77(a))–

- (a) the words “(or mark)” and “(or marked)” shall be omitted; and
- (b) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”.

(2) In the back of that form–

- (a) in paragraph 1, the words “(or mark)” shall be omitted, and
- (b) in paragraph 4, the words “,in order to be counted,” shall be omitted.

31.—(1) In the front of form H in Schedule 2 to the Regulations of 1986 (declaration of identity referred to in regulation 77(b))–

- (a) the words “(or mark)” shall be omitted;

(12) Rules 56 and 57 of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983, in their application to Scotland, are to be read with rule 58.

- (b) before the words “Name of Witness” there shall be inserted the words “The voter, who is personally known to me, has signed this declaration in my presence.”; and
 - (c) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”.
- (2) In the back of that form—
- (a) in paragraph 1, the words “(or mark)” shall be omitted;
 - (b) in paragraph 2, at the end of the first sentence there shall be inserted the words “on each ballot paper”;
 - (c) in the final sentence of that paragraph for the words “paper, or your vote” there shall be substituted the words “papers, or your votes”;
 - (d) in the first sentence of paragraph 3, for the words “the ballot” there shall be substituted the words “each ballot”; and
 - (e) in the final sentence of paragraph 4, the words “,in order to be counted” shall be omitted.

32.—(1) In the front of form J in Schedule 2 to the Regulations of 1986 (declaration of identity referred to in regulation 77(c))—

- (a) the words “(or mark)” and “(or marked)” shall be omitted, and
 - (b) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”.
- (2) In the back of the form—
- (a) in paragraph 1 the words “(or mark)” and “(or marked)” shall be omitted, and
 - (b) for paragraph 4 there shall be substituted the following paragraph:—

“4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:—

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.”.

33. In form M in Schedule 2 to the Regulations of 1986 (statement as to postal ballot papers), in paragraph 2 of the Notes for the words “Clerk of the Crown in Chancery” there shall be substituted the words “sheriff clerk”.

34.—(1) In Schedule 3 to the Regulations of 1986 (application with modifications of provisions of the Acts of 1983 and 1985 for registration of European Parliamentary overseas electors)(**13**)—

- (a) the modification in column 2 of that Schedule in respect of the entry in column 1 relating to section 11 of the Representation of the People Act 1983 shall be omitted; and

(13) Schedule 3 has been amended by section 3 of the European Communities (Amendment) Act 1986.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) after that entry there shall be inserted in column 1 of the Schedule the words “In section 12 (right to be registered), subsection (5)”.

St. Andrew’s House,
Edinburgh
12th March 1990

Malcolm Rifkind
One of Her Majesty’s Principal Secretaries of
State