

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

## STATUTORY INSTRUMENTS

### 2001 No. 497 (S. 2)

## REPRESENTATION OF THE PEOPLE

### Representation of the People (Scotland) Regulations 2001

Made - - - - 14th February 2001

Coming into force - - 16th February 2001

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament; Now, therefore, the Secretary of State in exercise of the powers conferred on him by the provisions which are specified in Schedule 1 to these Regulations, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

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

- C1 Regulations applied (with modifications) (9.4.2001) by [The European Parliamentary Elections \(Franchise of Relevant Citizens of the Union\) Regulations 2001 \(S.I. 2001/1184\)](#), regs. 1, 9, **Sch. Pt. 2**
- C2 Regulations applied (with modifications) (9.7.2003) by [The Local and European Parliamentary Elections \(Registration of Citizens of Accession States\) Regulations 2003 \(S.I. 2003/1557\)](#), regs. 1(1), 7, **Sch. 2 para. 2**
- C3 Regulations applied in part (with modifications) (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(2), **Sch. 4 para. 8**, **Sch. 7 para. 58(3)**
- C4 Regulations modified (temp. from 31.7.2013 until 31.12.2014) by [The Elections \(Fresh Signatures for Absent Voters\) Regulations 2013 \(S.I. 2013/1599\)](#), regs. 1(1), **3**
- C5 Regulations applied (with modifications) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), sch. 1 Pts. 1, **3** (with s. 13(2))
- C6 Regulations: functions transferred (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), arts. 1(2), **5(2)(b)** (with art. 9)
- C7 Regulations applied (with modifications) (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 3 para. 14**; S.I. 2016/69, reg. 2
- C8 Regulations: functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), **7(c)(ii)** (with arts. 8, 12)
- C9 Regulations: 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(2)(b)** (with arts. 7(3), 8, 11, 12)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## PART I **S**

### GENERAL, INTERPRETATION AND MISCELLANEOUS

#### Citation, commencement and extent **S**

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) Regulations 2001 and shall come into force on 16th February 2001.

(2) These Regulations shall extend to Scotland only.

#### Commencement Information

**I1** Reg. 1 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Revocations **S**

2. The instruments listed in column 1 of Schedule 2 to these Regulations (which have the references listed in column 2) are hereby revoked to the extent indicated in column 3 of that Schedule.

#### Commencement Information

**I2** Reg. 2 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Interpretation **S**

3.—(1) For the purposes of these Regulations, unless the context otherwise requires—

1983 Act means the Representation of the People Act 1983<sup>(1)</sup>;

1985 Act means the Representation of the People Act 1985<sup>(2)</sup>;

2000 Act means the Representation of the People Act 2000<sup>(3)</sup>;

[<sup>F1</sup>“Article 89 GDPR purposes” means the purposes mentioned in Article 89(1) of [<sup>F2</sup>the UK GDPR] (archiving in the public interest, scientific or historical research and statistics);]

“available for inspection” means available for inspection during ordinary office hours;

“British Council employee” means a person employed by the British Council in a post outside the United Kingdom;

“candidate” means—

(a) [<sup>F3</sup>in relation to a parliamentary election has the same meaning as in section 118A(2) of the 1983 Act]

(b) in relation to a local government election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

[<sup>F4</sup>“certificate of anonymous registration” means a certificate issued in pursuance of regulation 45F;]

“Crown servant” means a person who is employed in a post falling within the class or description set out in regulation 14 below;

(1) 1983 c. 2.

(2) 1985 c. 50.

(3) 2000 c. 2.

[<sup>F5</sup>“data” means information which is recorded with the intention that it should be processed by means of equipment operating automatically in response to instructions given for that purpose;]

[<sup>F6</sup>“data form” means information which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose;]

[<sup>F1</sup>“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]

[<sup>F7</sup>“digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the [<sup>F8</sup>Secretary of State for Levelling Up, Housing and Communities] for the purpose of processing online applications under sections 10ZC and 10ZD of the 1983 Act [<sup>F9</sup>, for the purpose of verifying information under regulation 29ZA and for the purpose of data matching under regulation 32ZBB in respect of the annual canvass for a register <sup>F10</sup> ...];]

[<sup>F6</sup>“edited register” has the meaning given in regulation 92(1) below;]

<sup>F11</sup> ...

<sup>F11</sup> ...

[<sup>F6</sup>“full register” has the meaning given in regulation 93(1) below;]

<sup>F12</sup> ...

“list of overseas electors” means the list prepared under regulation 45 below;

“overseas elector” means a person who has made an overseas elector’s declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

“register” means the register of electors; and

[<sup>F13</sup>“registration area” means the area for which a registration officer acts;]

“registration officer” means the electoral registration officer.

[<sup>F14</sup>“relevant contact details” means—

- (a) an email address;
- (b) a telephone number; or
- (c) an electronic identifier unique to the individual.]

[<sup>F15</sup>“the UK GDPR” has the meaning given in section 3(10) of the Data Protection Act 2018;]

(2) A reference in these Regulations to a numbered rule in the elections rules shall be construed as a reference—

- (a) to the rule of that number in the parliamentary elections rules in Schedule 1 to the 1983 Act in the case of a parliamentary election, or
- (b) except in the case of Part V of these Regulations, to the corresponding rule in the rules made under section 42 of the 1983 Act in the case of a local government election.

(3) A reference in these Regulations to a form identified by means of a letter shall be construed as a reference to the form so identified in Schedule 3 to these Regulations.

[<sup>F16</sup>(3A) For the purposes of regulations 26, 26A, 26B, <sup>F17</sup> ... <sup>F18</sup> ... 32ZE, 32ZF, 32ZG and 32ZH a document may be given to a person—

- (a) by delivering it to the person;
- (b) by leaving it at the person’s address; or
- (c) by sending it to the person by post.]

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) In the application of these Regulations to the registers which are required to be published not later than 15th February 2001 by section 13(1) of the 1983 Act, as enacted, references to the publication of the revised version are to be read as references to the publication of the register.

### Textual Amendments

- F1** Words in [reg. 3\(1\)](#) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 266** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F2** Words in [reg. 3\(1\)](#) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 35(2)** (with [Sch. 3 para. 112](#)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 3\(1\)](#) substituted (1.8.2002) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), regs. 2(1), **5(2)**
- F4** Words in [reg. 3\(1\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **2**
- F5** Words in [reg. 3\(1\)](#) substituted (4.5.2001) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2001 \(S.I. 2001/1749\)](#), regs. 1(1), **3**
- F6** Words in [reg. 3\(1\)](#) 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), **5(3)(4)**
- F7** Words in [reg. 3](#) 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), **3(a)**
- F8** Words in [reg. 3\(1\)](#) 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(2)** (with art. 12)
- F9** Words in [reg. 3\(1\)](#) substituted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **14(a)**
- F10** Words in [reg. 3\(1\)](#) 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), **3**
- F11** Words in [reg. 3\(1\)](#) 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)**)
- F12** Words in [reg. 3\(1\)](#) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 35(3)** (with [Sch. 3 para. 112](#)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in [reg. 3\(1\)](#) inserted (1.8.2002) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), regs. 2(1), **5(5)**
- F14** Words in [reg. 3\(1\)](#) inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **14(b)**
- F15** Words in [reg. 3\(1\)](#) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 35(4)** (with [Sch. 3 para. 112](#)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** [Reg. 3\(3A\)](#) 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), **3(b)**
- F17** Word in [reg. 3\(3A\)](#) omitted (2.12.2015) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **3**
- F18** Words in [reg. 3\(3A\)](#) omitted (27.4.2017) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **3**

### Modifications etc. (not altering text)

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

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Commencement Information

**I3** Reg. 3 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Forms **S**

**4.—(1)** The registration officer shall supply free of charge as many forms for use in connection with—

- (a) <sup>[F19]</sup> applications made under sections 10ZC(1)(a) and 10ZD(1)(a) of the 1983 Act], and
- (b) applications made under Schedule 4 to the 2000 Act and Part IV of these Regulations,

as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in Schedule 3 to these Regulations or forms substantially to the like effect may be used with such variations as the circumstances may require.

### Textual Amendments

**F19** Words in [reg. 4\(1\)\(a\)](#) 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\(5\)\(b\), 4](#)

### Modifications etc. (not altering text)

**C11** [Reg. 4](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 3](#)

### Commencement Information

**I4** Reg. 4 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Communication of applications, notices etc. **S**

**5.—**<sup>[F20]</sup>(1) The requirement in these Regulations that any <sup>[F21]</sup>application, notice or representation] should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

<sup>[F22]</sup>(2) Paragraph (1) does not apply to notice of a requirement to register given under regulation 32ZE(1) or notice of a civil penalty given under regulation 32ZF(2).]

### Textual Amendments

**F20** [Reg. 5](#) renumbered as [reg. 5\(1\)](#) (10.6.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), [regs. 1\(5\)\(b\), 5\(1\)](#)

**F21** Words in [reg. 5\(1\)](#) 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\(5\)\(b\), 5\(2\)](#)

**F22** [Reg. 5\(2\)](#) 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\(5\)\(b\), 5\(3\)](#)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**C12** Reg. 5 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 2\(b\)](#)

#### Commencement Information

**I5** Reg. 5 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Electronic signatures and related certificates **S**

6.—(1) A requirement in these Regulations for an [<sup>F23</sup>application, notice or representation] to be signed is satisfied (as an alternative to the signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
- (b) the certification by any person of such a signature.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

#### Textual Amendments

**F23** Words in [reg. 6\(1\)](#) 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), [6](#)

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

**C13** Reg. 6 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 2\(c\)](#)

#### Commencement Information

**I6** Reg. 6 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Copies of documents **S**

7.—<sup>F24</sup>(1) Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand written or by other means) of the whole or any part of it.

<sup>F25</sup>(2) Paragraph (1) does not apply to the full register.

(3) A person inspecting the full register may not—

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) make copies of any part of it, or  
 (b) record any particulars included in it,  
 otherwise than by means of hand-written notes.

(4) A person who inspects the full register and makes a copy of it or records any particulars included in it otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this regulation “full register” includes—

- (a) any part of it, and  
 (b) any notice published under section 13A(2) [<sup>F26</sup>13AB(2),] or 13B(3) [<sup>F27</sup>, (3B) or (3D)] of the 1983 Act altering the register.]

[<sup>F28</sup>(6) Paragraph (1) does not apply to copies of information covered by regulation 61(1) or to any of the documents open to public inspection under regulation 118.]

#### Textual Amendments

- F24** Reg. 7 renumbered as reg. 7(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), 6(1)
- F25** Reg. 7(2)-(5) 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), 6(2)
- F26** Word in reg. 7(5)(b) 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
- F27** Words in reg. 7(5)(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), 24(3)
- F28** Reg. 7(6) inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 42

#### Commencement Information

- I7** Reg. 7 in force at 16.2.2001, see reg. 1(1)

## Time **S**

8.—(1) Where the day or last day of the time allowed by these Regulations for the doing of any thing falls on any of the days mentioned in paragraph (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 56(6) below, in computing any period of not more than 7 days for the purposes of these Regulations any of the days mentioned in paragraph (3) below shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, <sup>F29</sup>... Good Friday or a bank holiday.

(4) In paragraph (3) above “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(4) in Scotland.



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

#### Textual Amendments

- F29** Words in [reg. 8\(3\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [48\(1\)](#)

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

- C14** [Reg. 8](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 4](#)
- C15** [Reg. 8\(3\)](#) restricted (31.10.2019) by [Early Parliamentary General Election Act 2019 \(c. 29\)](#), [ss. 1\(4\)](#), [2\(1\)](#)

#### Commencement Information

- I8** [Reg. 8](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Official poll cards and postal poll cards at parliamentary elections **S**

<sup>F30</sup>9.—(1) For the purposes of rule 28(3) of the rules in Schedule 1 to the 1983 Act, the following forms are hereby prescribed.

- (2) The official poll card issued to an elector shall be in Form A.
- (3) The official postal poll card issued to an elector shall be in Form A1.
- (4) The official poll card issued to the proxy of an elector shall be in Form B.
- (5) The official postal poll card issued to the proxy of an elector shall be in Form B1.]

#### Textual Amendments

- F30** [Reg. 9](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [34](#)

### Return and declaration of election expenses **S**

**10.**—(1) For the purpose of section 75(3) of the 1983 Act, the form of the return of election expenses shall be in Form C and the form of the declaration as to election expenses shall be in Form D.

<sup>F31</sup>(2) . . . . .

(3) [<sup>F32</sup>The fee for a copy of any such return or declaration or any accompanying document] shall be at the rate of 20p for each side of each page.

#### Textual Amendments

- F31** [Reg. 10\(2\)](#) omitted (8.2.2008) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), [regs. 1\(1\)](#), [13\(a\)](#)
- F32** Words in [reg. 10\(3\)](#) substituted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), [regs. 1\(1\)](#), [13\(b\)](#)

#### Commencement Information

- I9** [Reg. 10](#) in force at 16.2.2001, see [reg. 1\(1\)](#)



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

## Interference with notices etc. **S**

**11.** If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Modifications etc. (not altering text)

**C16** Reg. 11 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 2\(d\)](#)

### Commencement Information

**I10** Reg. 11 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Device referred to in rule 29(3A)(b) of parliamentary elections rules **S**

**12.—(1)** The device referred to in rule 29(3A)(b) of the rules in Schedule 1 to the 1983 Act<sup>(5)</sup> shall be of the description set out in this regulation.

(2) The device shall be such that—

(a) it satisfies the conditions in paragraphs (3) to (7) below;

(b) a ballot paper can—

(i) be inserted into, and removed from, it, or

(ii) be attached to, and detached from, it, and

(c) the ballot paper will remain firmly in place once inserted into, or attached to, the device.

(3) There shall be sufficient space to allow the particulars of each candidate named on the ballot paper to be clearly shown.

(4) There shall be one hole in the device for each of the candidates named on the ballot paper.

(5) Each hole in the device shall be of equal size.

(6) Each hole shall be positioned to frame the space to the right of the particulars of the candidate on which the vote may be marked (“the relevant space”).

(7) Each hole shall be sufficiently large to allow a voter to mark a cross in the relevant space on the ballot paper.

### Commencement Information

**I11** Reg. 12 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Registration of European Parliamentary overseas electors **S**

<sup>F33</sup>**13.** . . . . .

(5) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

**F33** Reg. 13 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)**)

## PART II **S**

### SERVICE AND OVERSEAS ELECTORS' DECLARATIONS

#### *Service declarations*

#### Qualification for Crown servant **S**

**14.** A person (not being a member of the forces within the meaning of section 59(1) of the 1983 Act) who is employed in the service of the Crown in a post outside the United Kingdom falls within the class or description referred to in section 14(1)(b) of the 1983 Act if he is required to devote his whole working time to the duties of that post and the remuneration of it is paid wholly out of money provided by Parliament.

#### Commencement Information

**I12** Reg. 14 in force at 16.2.2001, see **reg. 1(1)**

#### Contents of service declaration **S**

**15.—(1)** In addition to the matters specified in paragraphs (a) to (f) of section 16 of the 1983 Act<sup>(6)</sup>, a service declaration shall state—

- (a) the declarant's full name and present address,
- (b) the grounds on which the declarant claims a service declaration, and
- (c) such of the particulars specified in paragraph (2), (3) or (4) below as are relevant to the service qualification claimed by the declarant.

[<sup>F34</sup>(1A) In relation to the registration of local government electors, paragraph (1)(c) does not apply in a case where the declarant claims a service qualification under section 14(1A) of the 1983 Act (see instead regulation 15A).]

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse [<sup>F35</sup>or civil partner] of such a member, the service declaration shall state—

- (a) the service (whether naval, military or air forces) in which that member serves,
- (b) the rank or rating of that member, and
- (c) the service number of that member;

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

(6) Section 16 was amended by Schedule 1 to the 2000 Act.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 14 above applies or the spouse [<sup>F36</sup>or civil partner] of such a servant, the service declaration shall state—

- (a) the name of the Government department (which, for the purposes of this paragraph, includes the Scottish Administration) in which that servant works, <sup>F37</sup>...
- (b) a description of the post of that servant [<sup>F38</sup>, and
- (c) any staff number, payroll number or other similar identifying number of that servant].

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse [<sup>F39</sup>or civil partner] of such an employee, the service declaration shall [<sup>F40</sup>state—

- (a) a description of the post of that employee, and
- (b) any staff number, payroll number or other similar identifying number of that employee].

#### Textual Amendments

- F34** Reg. 15(1A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 10\(2\), 21](#)
- F35** Words in reg. 15(2) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\), art. 1, Sch. 10 para. 1\(2\)](#)
- F36** Words in reg. 15(3) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\), art. 1, Sch. 10 para. 1\(2\)](#)
- F37** Word in reg. 15(3)(a) omitted (9.12.2014) by virtue of [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\), regs. 1, 3\(a\)\(i\)](#)
- F38** Reg. 15(3)(c) and word inserted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\), regs. 1, 3\(a\)\(ii\)](#)
- F39** Words in reg. 15(4) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\), art. 1, Sch. 10 para. 1\(2\)](#)
- F40** Words in reg. 15(4) substituted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\), regs. 1, 3\(b\)](#)

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

- C17** S. 15 modified (18.12.2013) by [2013 asp 13, s. 7A\(6\)](#) (as inserted by [Scottish Independence Referendum Act 2013 \(asp 14\), ss. 3\(3\), 36](#))

#### Commencement Information

- I13** Reg. 15 in force at 16.2.2001, see [reg. 1\(1\)](#)

### <sup>F41</sup>Contents of service declaration: declarant with a service qualification under section 14(1A) of the 1983 Act **S**

**15A.**—(1) In relation to the registration of local government electors, a service declaration by a person claiming a service qualification under section 14(1A) of the 1983 Act must include, in addition to the matters specified in regulation 15(1)(a) and (b), such of the particulars specified in paragraph (2), (3) or (4) as are relevant to the declarant.

(2) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of such a member, the declaration must state—

- (a) the service (whether naval, military or air forces) in which the member serves,

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) the rank or rating of the member,
- (c) the service number of the member, and
- (d) where the member serves in the military forces, the regiment or corps in which the member serves.

(3) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a Crown servant to whom regulation 14 applies or the spouse or civil partner of such a servant, the declaration must state—

- (a) the name of the Government department or part of the Scottish Administration in which the servant works,
- (b) a description of the post of the servant, and
- (c) any staff number, payroll number or other similar identifying number of the servant.

(4) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a British Council employee or the spouse or civil partner of such an employee, the declaration must state—

- (a) a description of the post of the employee, and
- (b) any staff number, payroll number or other similar identifying number of the employee.]

#### Textual Amendments

**F41** Reg. 15A inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **10(3)**, 21

### [<sup>F42</sup>Transmission of service declaration **S**

**16.** A service declaration—

- (a) must be transmitted to the registration officer for the area within which is situated the address specified in the declaration in accordance with section 16(d) of the 1983 Act; and
- (b) may be transmitted through the digital service.]

#### Textual Amendments

**F42** Reg. 16 substituted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, 4

### Notification by registration officer in respect of service declarations **S**

**17.—**(1) Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of a service declaration because it—

- (a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the 1983 Act and regulation 15 above, or
- (b) does not comply with the requirements of sections 14 and 15 of the 1983 Act 1983(7) or, where appropriate, regulation 14 or 16 above,

(7) Sections 14 and 15 were amended by Schedule 1 to the 2000 Act.

he shall return the declaration to the declarant setting out his reasons for so doing.

**Commencement Information**

**I14** Reg. 17 in force at 16.2.2001, see [reg. 1\(1\)](#)

*Overseas electors' declarations*

**Contents of overseas elector's declaration** **S**

**18.**—(1) In addition to the information required by paragraphs (a) to (d) of subsection (3) and subsection (4) of section 2 of the 1985 Act<sup>(8)</sup>, an overseas elector's declaration shall state the declarant's full name and present address and, where appropriate, the information required by paragraphs (2) to (7) below.

(2) If the declarant—

- (a) was last registered in pursuance of a service or other declaration, rather than actual residence at the address specified in pursuance of section 2(4)(b) of the 1985 Act, and
- (b) no longer had connection with that address at the time at which he was so registered,

the declaration shall include a statement that the declarant was so registered.

(3) If the declarant claims that his name has changed since he was last registered in respect of the address specified in the overseas elector's declaration in accordance with section 2(4)(b) of the 1985 Act, that declaration shall—

- (a) set out the name in respect of which the declarant was last previously registered, and
- (b) give the reason for the change of name.

(4) Where a declarant—

- (a) has on a previous occasion been registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, and
- (b) has not, since being so registered, been registered in such a register 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 indicate when he was last registered in pursuance of an overseas elector's declaration.

<sup>F43</sup>  
...

(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 such a register 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

---

<sup>(8)</sup> Section 2 was substituted by Schedule 2 to the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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.

F44 ...

(6) Where, in the case of a declarant to whom regulation 19 below applies (and who is accordingly required to transmit a copy of his birth certificate together with his declaration), his name on his birth 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 19 below applies, he relies on the registration of either—

- (a) a parent whose name in the register referred to in section 1(4)(c) of the 1985 Act<sup>(9)</sup> 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 1985 Act, or
- (b) a guardian whose name in the register referred to in section 1(4)(c) of the 1985 Act 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 1985 Act,

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(4)(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.

F45 ...

#### Textual Amendments

- F43** Words in [reg. 18\(4\)](#) 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\(2\)](#))
- F44** Words in [reg. 18\(5\)](#) 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\(2\)](#))
- F45** Words in [reg. 18\(7\)](#) 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

- I15** [Reg. 18](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Certain declarants to supply copy of birth certificates **S**

**19.—(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(4) of the 1985 Act, 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.

F46 ...

(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.

(9) Sections 1 to 3 of the 1985 Act were substituted by Schedule 2 to the 2000 Act.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

**Textual Amendments**

**F46** Words in [reg. 19\(1\)](#) 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**

**I16** [Reg. 19](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Attestation of certain overseas electors' declarations** **S**

<sup>F47</sup>**20.** . . . . .

**Textual Amendments**

**F47** [Reg. 20](#) revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), [reg. 1\(5\)\(a\)](#), [Sch. 2](#)

**Transmission of overseas elector's declaration** **S**

**21.** An overseas elector's declaration shall be transmitted to the registration officer for that part of a constituency within which is situated the address specified in the declaration in accordance with section 2(4) of the 1985 Act.

**Commencement Information**

**I17** [Reg. 21](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Notification about registration as overseas elector** **S**

**22.—(1)** Where the registration officer is satisfied that the declarant qualifies as an overseas elector under the provisions of sections 1 and 2 of the 1985 Act, he shall so notify the declarant.

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

- (a)** in his opinion the declarant does not qualify as an overseas elector under section 1 of the 1985 Act, or
- (b)** the declaration does not satisfy the requirements of section 2 of the 1985 Act or regulation 18 or 20 above, or
- (c)** in the case of a person to whom regulation 19 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.

<sup>F48</sup>**(3)** . . . . .



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Textual Amendments**

**F48** Reg. 22(3) 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**

**I18** Reg. 22 in force at 16.2.2001, see **reg. 1(1)**

**PART III S**

**REGISTRATION**

*INFORMATION ABOUT ELECTORS*

**Power to require information S**

**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>F49</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>F50</sup>...

<sup>F50</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**

**F49** 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**

**F50** 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**

**I19** Reg. 23 in force at 16.2.2001, see **reg. 1(1)**

**Evidence as to age and nationality S**

**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—

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) a birth certificate <sup>F51</sup> ...;
- (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>F52</sup>a qualifying foreign national.]

(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>(10)</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>F53</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>(11)</sup>.

<sup>F54</sup>(7) In this regulation "qualifying foreign national" has the same meaning as in section 202(1) of the 1983 Act.]

#### Textual Amendments

- F51** 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**
- F52** 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
- F53** 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**
- F54** 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

- I20** Reg. 24 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Reminders to electors registered pursuant to a declaration **S**

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

- (a) a service declaration;
- (b) a declaration of local connection; and

<sup>(10)</sup> Section 54 was amended by Schedule 4 to the 1985 Act.

<sup>(11)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) an overseas elector's declaration.

(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>F55</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>F56</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>F57</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>F58</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>F59</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

**F55** Reg. 24(3) substituted (1.1.2007) by [The Service Voters' Registration Period Order 2006 \(S.I. 2006/3406\)](#), arts. 1(2), 4

**F56** Reg. 25(3)(b) substituted (19.3.2010) by [The Service Voters' Registration Period Order 2010 \(S.I. 2010/882\)](#), arts. 1(2), 4

**F57** 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)

**F58** 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)

**F59** 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

**I21** Reg. 25 in force at 16.2.2001, see [reg. 1\(1\)](#)

[<sup>F60</sup>**Reminders to persons who have an anonymous entry** **S**

**25A.—**(1) This regulation applies to each person who has an anonymous entry.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

(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 [F61]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

**F60** Reg. 25A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 5

**F61** 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

#### [F62]Applications for registration **S**

**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>F63</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, an indication of whether the person was registered in pursuance of an overseas elector’s declaration during this period;
- (d) 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;
- (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;

Status: Point in time view as at 27/02/2022.

Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- (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>F64</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>F65</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>F66</sup>, (1A)] and (2) and includes—

- (a) a statement that the information provided in the application will be processed in accordance with [<sup>F67</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>F68</sup>(ba) a statement that persons who are not qualifying Commonwealth citizens, citizens of the Republic of Ireland [<sup>F69</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>F70</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>F71</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>F72</sup>(eb) .....

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (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>F73</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>F74</sup>(c) not include space for the information mentioned in paragraph (3)(eb).]

[<sup>F75</sup>(5) The paper application form for persons applying to be registered in pursuance of an overseas elector's declaration must—

- (a) instead of the information required in paragraph (1)(b), request—
  - (i) the last address at which the applicant was registered as an elector; and
  - (ii) the address at which the applicant can be contacted; and
- (b) not include space for the information mentioned in paragraph 3(eb).]

[<sup>F76</sup>(5A) The paper application form for persons applying to be registered 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>F77</sup>Secretary of State] to the design of the application forms under paragraphs [<sup>F78</sup>(3) to (5A)] and must then make the forms available to registration officers.

[<sup>F79</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>F80</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—

- (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.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

(9) [<sup>F81</sup>Where, by virtue of arrangements made by the [<sup>F82</sup>Secretary of State], an application under paragraph (1) may be made through the digital service, the [<sup>F83</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>F84</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>F85</sup>(10) Where an application in pursuance of an overseas elector's declaration under paragraph (1) is made through the digital service, a registration officer may, but need not, accept it.]

(11) The [<sup>F86</sup>Secretary of State] must send to the registration officer any application he receives together with—

- (a) the applicant's email address and telephone numbers (if provided); and
- (b) a reference number unique to that application.]

#### Textual Amendments

- F62** 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**
- F63** 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)**
- F64** Reg. 26(1A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015](#) (asp 7), **ss. 5(2)(a)**, 21
- F65** 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)**
- F66** 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
- F67** 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)
- F68** 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))
- F69** 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
- F70** 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))
- F71** 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)**
- F72** 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**
- F73** Reg. 26(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015](#) (asp 7), **ss. 5(2)(c)**, 21
- F74** 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)**
- F75** 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)**
- F76** 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)**
- F77** 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)



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F78** 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)**
- F79** 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**
- F80** 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)
- F81** 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)**
- F82** 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)
- F83** 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)
- F84** Reg. 26(9A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(2)(d), 21**
- F85** Reg. 26(10) substituted (18.5.2017) by The Scotland Act 2016 (Consequential and Saving Provisions) Regulations 2017 (S.I. 2017/602), regs. 1, **4(2)**
- F86** 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)

#### **[<sup>F87</sup>Application for alteration of register in respect of name under section 10ZD **S****

**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>F88</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>F89</sup>Secretary of State] to the design of the application form under paragraph (2) and must then make the form available to registration officers.

[

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>F90</sup>(3A) Before giving approval for the purposes of paragraph (3), the [<sup>F91</sup>Secretary of State] must consult the Scottish Ministers.]

(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>F92</sup>documentary evidence of the applicant's change of name].

(5) Where a person is unable to provide [<sup>F93</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>F94</sup>any copy document] provided under paragraph (4) after the application has been made.

#### Textual Amendments

- F87** 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**
- F88** 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)
- F89** 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)
- F90** [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**
- F91** 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)
- F92** 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)**
- F93** 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)**
- F94** 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 **S**

**26B.**—(1) 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).

(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;
- (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

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (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.
- (5) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation as set out in paragraph (6).
- (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;

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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>F95</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; and
  - [<sup>F96</sup>(iv) 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);]
  - (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>F97</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>F98</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>F99</sup>(ca) grounds that the applicant has a service qualification under section 14(1A) of the 1983 Act;]
- (d) an overseas elector’s declaration.
- (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.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

(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>F100</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
- (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.]

(10) In the case of an application in pursuance of a declaration within paragraph (7)(d), 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 a registered elector who is a British citizen living overseas and who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and occupation of the person signing the attestation;
- (d) state the attestor’s British passport number together with its date and place of issue; and
- (e) state the date on which it is made.

(11) Where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is [<sup>F101</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>F102</sup>(c)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

- F87** 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**
- F95** 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)**
- F96** [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)**
- F97** [Reg. 26B\(6A\)](#) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 5(3), 21**
- F98** 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)**
- F99** [Reg. 26B\(7\)\(ca\)](#) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 11(3)(a), 21**
- F100** [Reg. 26B\(9A\)\(9B\)](#) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 11(3)(b), 21**
- F101** 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
- F102** [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

### Objections to registration **S**

- 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>F103</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>F104</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>F105</sup>representations made against an application for registration under section 13A(1)(za) of the 1983 Act].

### Textual Amendments

- F103** 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)**
- F104** [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)**
- F105** 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**

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

### Commencement Information

**I22** Reg. 27 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Inspection of applications and objections **S**

**28.**—<sup>[F106]</sup>(1) <sup>[F107]</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>[F108]</sup>to which the entry relates] or objection has been determined by the registration officer.

<sup>[F109]</sup>(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.]

<sup>[F110]</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

**F106** 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)**

**F107** 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)**

**F108** 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)**

**F109** 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)**

**F110** Reg. 28(3) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **5(4)**, 21

### Commencement Information

**I23** Reg. 28 in force at 16.2.2001, see [reg. 1\(1\)](#)

## *Determination of applications and objections*

### <sup>[F111]</sup>Verification of information provided in an application **S**

**29ZA.**—(1) On receipt of an application under section 10ZC or 10ZD of the 1983 Act made <sup>[F112]</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>[F113]</sup>26 or 26A] to the <sup>[F114]</sup>Secretary of State for Levelling Up, Housing and Communities] in such a format and through such a conduit system as the <sup>[F114]</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>[F115]</sup>Secretary of State for Levelling Up, Housing and Communities] may disclose the information to the Secretary of State <sup>[F116]</sup>for Work and Pensions].

(3) Where information has been disclosed to the Secretary of State <sup>[F117]</sup>for Work and Pensions] under paragraph (2), the Secretary of State <sup>[F117]</sup>for Work and Pensions] may compare it against—



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 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 [<sup>F118</sup>for Work and Pensions] may disclose the results of the comparison to the [<sup>F119</sup>Secretary of State for Levelling Up, Housing and Communities].
- (5) On receipt of such results, the [<sup>F120</sup>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 [<sup>F121</sup>Secretary of State for Levelling Up, Housing and Communities] does so, the registration officer must take the results into account in determining the application.
- [<sup>F122</sup>(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;
  - <sup>F123</sup>(b) .....

| <b>Textual Amendments</b> |   |
|---------------------------|---|
| <b>F111</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>F112</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>F113</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>F114</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>F115</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) |
| <b>F116</b>               | Words in reg. 29ZA(2) inserted (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)(ii)</b> (with art. 12)   |
| <b>F117</b>               | Words in reg. 29ZA(3) inserted (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)(c)</b> (with art. 12)       |
| <b>F118</b>               | Words in reg. 29ZA(4) inserted (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)(d)(i)</b> (with art. 12)    |

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F119** 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)
- F120** 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)
- F121** 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)
- F122** Reg. 29ZA(6A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(5), 21**
- F123** 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)**

- C18** 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)

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

**29ZB.**—(1) If a person provides an original document under regulation 26A(4), 26B(2) to (4) or 26B(8), 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;
- (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 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; or
- (b) for the purpose of any civil or criminal proceedings.

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

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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 must process it in accordance with any requirements as to the processing of information that may have been imposed by the [F124Secretary 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 [F125Secretary of State for Levelling Up, Housing and Communities] before a registration officer is required to disclose that information under regulation 29ZA(1).

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

#### Textual Amendments

- F111** 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**
- F124** 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)
- F125** 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)

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

- C18** 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)

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

**29.**—(1) A registration officer shall discharge his functions of determining [F126an 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 [F127to 31A] below.

[F128(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 [F129and nationality] of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

[F130(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—

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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, 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—

- (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 26(5)(b), 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 [<sup>F131</sup>Secretary of State] to the forms; and
- (c) then make them available to registration officers.]

[<sup>F132</sup>(2AG) Before giving approval for the purposes of sub-paragraph (2AF)(b), the [<sup>F133</sup>Secretary 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.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

(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) [<sup>F134</sup>Subject to paragraph (4A),] the registration officer may allow an application without a hearing provided that no objection is made within [<sup>F135</sup>the period of five days beginning with the day following] the entry of the application in the list of applications.

[<sup>F136</sup>(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 <sup>F137</sup>...; and he shall so inform the objector.

[<sup>F138</sup>(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—

- (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>F139</sup>(8) In this regulation, “qualifying address” includes the address specified in an overseas elector's declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act.]

#### Textual Amendments

**F126** 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)**

**F127** 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)**

**F128** 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)**

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F129** 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)**
- F130** 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))
- F131** 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)
- F132** 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**
- F133** 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)
- F134** 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)**
- F135** 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)**
- F136** 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)**
- F137** 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)**
- F138** 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)**
- F139** 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)**

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

- C19** Reg. 29(4) modified (31.10.2019) by Early Parliamentary General Election Act 2019 (c. 29), **ss. 1(4), 2(1)**

#### Commencement Information

- I24** Reg. 29 in force at 16.2.2001, see **reg. 1(1)**

## Notice of hearing **S**

**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

- I25** Reg. 30 in force at 16.2.2001, see **reg. 1(1)**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## Hearing of applications and objections **S**

**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

**I26** Reg. 31 in force at 16.2.2001, see [reg. 1\(1\)](#)

## [<sup>F140</sup>Objections relating to applications that have been allowed, but before alterations to register have taken effect **S**

**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>F141</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.]



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

#### Textual Amendments

- F140** Reg. 31A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **10**
- F141** 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>F142</sup>Other determinations by registration officer of entitlement to registration **S**

**31B.**—(1) A registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 31C to [<sup>F143</sup>31FZA].

[<sup>F144</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) section 2(2)(aa) 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
  - (ii) section 2(2)(ab) 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

- F142** 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**
- F143** 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))
- F144** 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**

#### [<sup>F145</sup>Summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration **S**

**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;

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (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;
- (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

**F142** 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**

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- 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 **S**

**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;

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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
- (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—

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

“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

- F142** 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))
- 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 **S**

- 31E.**—(1) The registration officer must keep a list of reviews.
- (2) The list must contain, in relation to each review, the following particulars—
- the full name of the subject of the review;
  - his electoral number;
  - his qualifying address; and
  - 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.]

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

**F142** 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 **S**

**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—

(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

**F142** 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 **S**

**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;

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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** **S**

#### 31FA.—[

<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** **S**

**31G.—**(1) An application for an anonymous entry must state—

- (a) the applicant's full name;



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) the address given in accordance with regulation 26(1)(b);
  - (c) the reason for the application; and
  - (d) 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—
- (a) the particulars given in accordance with paragraph (1) are true;
  - (b) so far as he is aware, the evidence provided in pursuance of paragraph (3) is genuine; and
  - (c) where paragraph (4) applies—
    - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
    - (ii) so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.
- (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).

#### 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)

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

- C20** 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**
- C21** 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 **S**

- 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.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

### 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)

### Modifications etc. (not altering text)

**C22** [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

**C23** [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 **S**

**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 [<sup>F170</sup>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;
- [<sup>F171</sup>(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 [<sup>F172</sup>;
- (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
- [<sup>F173</sup>(l) (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;

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- (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—
    - (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)
- F170** 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
- F171** 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)**
- F172** 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**
- F173** 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)**
- F174** 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 **S**

**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;

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) state the date on which it is made; and
  - (c) be in writing and signed by a qualifying officer.
- (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>F175</sup>a police officer of or above the rank of [<sup>F176</sup>inspector] of any police force in England and Wales;
  - (b) [<sup>F177</sup>a police officer of or above the rank of [<sup>F178</sup>inspector]] of [<sup>F179</sup>the Police Service of Scotland];
  - (c) [<sup>F180</sup>a police officer of or above the rank of [<sup>F181</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>F182</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>F183</sup>(l)
- (m) any registered nurse or midwife;
  - (n) any person who manages a refuge.]
- [
- <sup>F184</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>F185</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 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F175** 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)**
- F176** 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)**
- F177** 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)**
- F178** 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)**
- F179** 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**
- F180** 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)**
- F181** 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)**
- F182** 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)**
- F183** 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)**
- F184** 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**
- F185** Reg. 31J(5) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 7, 21**

## Registration appeals **S**

**32.**—<sup>[F186(1)]</sup> 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.

(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.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

**Textual Amendments**

**F186** 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**

**I27** Reg. 32 in force at 16.2.2001, see [reg. 1\(1\)](#)

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

<sup>F187</sup>**32ZA.** . . . . .

**Textual Amendments**

**F187** 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** **S**

<sup>F188</sup>**32ZB.** . . . . .

**Textual Amendments**

**F188** 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>F189</sup><sup>F190</sup> **Annual canvass** **S**

**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>F191</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>F192</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>F193</sup> . . . . ; and

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

(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



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- (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>F193</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>F194</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>F195</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>F196</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>F197</sup>..., or any information which that officer may inspect for those purposes.

#### Textual Amendments

- F189** 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**)
- F190** 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**
- F191** 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)**
- F192** 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)**



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F193** 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)**
- F194** 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)**
- F195** 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)**
- F196** 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)
- F197** 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 **S**

**32ZBB.**—(1) Subject to paragraphs (7) and (8), each registration officer must disclose to the [<sup>F198</sup>Secretary 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>F199</sup>... maintained by that registration officer.

(2) The matching data must be disclosed in such format and through such an infrastructure system as the [<sup>F200</sup>Secretary 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 [<sup>F201</sup>Secretary of State for Levelling Up, Housing and Communities] may disclose that data to the Secretary of State [<sup>F202</sup>for Work and Pensions].

(4) Where matching data has been disclosed to the Secretary of State [<sup>F203</sup>for Work and Pensions] under paragraph (3), the Secretary of State [<sup>F203</sup>for Work and Pensions] may compare it against information appearing in the following types of database kept by the Secretary of State [<sup>F203</sup>for 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 [<sup>F204</sup>for Work and Pensions] may disclose the results of the data comparison to the [<sup>F205</sup>Secretary of State for Levelling Up, Housing and Communities].

(6) On receipt of such results, the [<sup>F206</sup>Secretary 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,

the registration officer may disclose matching data for that person to the [<sup>F207</sup>Secretary of State for Levelling Up, Housing and Communities] but is not required to do so.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

(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>F208</sup>Secretary of State for Levelling Up, Housing and Communities] may have specified in writing;

F209  
...

#### Textual Amendments

**F189** 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)

**F190** 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**

**F198** 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)

**F199** 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**

**F200** 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)

**F201** 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)

**F202** 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)

**F203** 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)

**F204** 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)

**F205** 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)

**F206** 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)

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F207** 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)
- F208** 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)
- F209** 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)**

- C24** [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** **S**

**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>F210</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>F211</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>F212</sup>Secretary of State for Levelling Up, Housing and Communities] in relation to the register of parliamentary electors.

(5) Where the [<sup>F213</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.

**Textual Amendments**

- F189** [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)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F190** 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**
- F210** 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**
- F211** 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)
- F212** 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)
- F213** 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)**

- C24** 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** **S**

**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>F214</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>F215</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>F216</sup> ...

[ where the registration officer holds relevant contact details for one or more persons <sup>F217</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>F218</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>F219</sup> ..., with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; <sup>F220</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

[ the full name, date of birth and nationality of each person whose application <sup>F221</sup>(iii) 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 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]

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) the form must be accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid.

[  
F222(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

- F189** 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)
- F190** 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**
- F214** 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)**
- F215** 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)**
- F216** 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)**
- F217** 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)**
- F218** 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)**
- F219** 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)**
- F220** 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)**
- F221** 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)**
- F222** 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** **S**

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



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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>F223</sup>...; and
  - (b) has no reason to believe that any addition may be required to a register <sup>F223</sup>... in respect of the address.
- (2) The registration officer may proceed to conduct the annual canvass for a register <sup>F224</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>F225</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>F226</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>F227</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>F228</sup>paragraph (3)(b)(i)] 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.

- [<sup>F229</sup>(5A) In circumstances where a registration officer—



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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>F230</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>F230</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>F231</sup> ...; or
- (b) that a person who resides at the address may be entitled to be registered in a register <sup>F231</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

- F189** 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**)
- F190** 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**
- F223** 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)**
- F224** 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)**
- F225** 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)**
- F226** 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)**
- F227** 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)**
- F228** 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)**

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F229** 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)**
- F230** 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)**
- F231** 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 **S**

**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>F232</sup>... by complying with paragraph (5) [<sup>F233</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.

[  
<sup>F234</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.]

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 comply with paragraph (5) [<sup>F235</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>F236</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>F237</sup>or (5A)] in relation to the residents of a property to which paragraph (2) applies.

#### Textual Amendments

**F189** 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**)

**F190** 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**

**F232** 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)**

**F233** 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)**

**F234** 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)**

**F235** 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)**

**F236** 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)**

**F237** 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 **S**

**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>F238</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>F239</sup>Secretary of State] must consult the Scottish Ministers.

(3) The canvass communication A referred to in paragraph (1)(a)(i) must—

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) include a space for the full name and nationality of each person who is registered in a register <sup>F240</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>F241</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>F242</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>F243</sup> ..., and is residing at the address to which the communication relates, where that information is not included in the communication; <sup>F244</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>F245</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>F246</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;
  - (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;

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- (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>F247</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>F248</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

- F189** 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**)
- F190** 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**
- F238** 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)
- F239** 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)
- F240** 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)**
- F241** 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)**
- F242** 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)**
- F243** 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)**
- F244** 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)**
- F245** 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)**
- F246** 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)**
- F247** 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)**
- F248** 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 **S**

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

- (a) design an invitation to apply for registration;
- (b) obtain the approval of the [<sup>F249</sup>Secretary of State] to the invitation; and
- (c) then make the invitation available to registration officers.

[<sup>F250</sup>(1A) Before giving approval for the purposes of sub-paragraph (1)(b), the [<sup>F251</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>F252</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>F253</sup>and]

[ the website address of the digital service.]  
<sup>F254</sup>(d)

[<sup>F255</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>F256</sup>(4) The registration officer must give the invitation either—

- (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.]



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

- F189** 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**)
- F249** 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)
- F250** 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**
- F251** 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)
- F252** 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)**
- F253** 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)**
- F254** 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)**
- F255** Reg. 32ZC(2A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 3(2)**, 21
- F256** 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 **S**

**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.

**[**  
**F257**(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 [**F258**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;



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 pursuance of a declaration of local connection, service declaration or overseas elector's declaration; or
- (c) with an anonymous entry.

[<sup>F259</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

- F189** 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**)
- F257** Reg. 32ZD(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **3(3)**, 21
- F258** 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**
- F259** 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 **S**

**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>F260</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;
  - (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 subparagraph (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 subparagraph (a), inform the registration officer of that fact and provide that address, and the person is not required to make an application for registration;

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- (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.

[<sup>F261</sup>(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 [<sup>F262</sup>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

**F189** 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**)

**F260** 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**

**F261** [Reg. 32ZE\(3A\)](#) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 3(4)**, 21

**F262** 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 **S**

**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—

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 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

**F189** 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 **S**

**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>F263</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.

(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

**F189** 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)

**F263** 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**

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

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

**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

**F189** 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)

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

**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.]

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

**Textual Amendments**

**F189** 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**)

[<sup>F264</sup>**Representations regarding clerical errors** **S**

**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**

**F264** [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)**

**C25** [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** **S**

<sup>F265</sup>**33.** . . . . .

**Textual Amendments**

**F265** [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** **S**

<sup>F266</sup>**34.** . . . . .

**Textual Amendments**

**F266** [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**

**Registration officer's right to inspect certain records** **S**

**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.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- (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.

#### Commencement Information

**I28** Reg. 35 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### <sup>F267</sup>Disclosure of certain local authorities' records **S**

**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.

(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

**F267** 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

#### Notices in connection with registration **S**

**36.**—(1) A notice under section 13(3) of the 1983 Act(**19**) must be published—

- (a) not less than 14 days before the publication of the revised version of the register to which it relates;
- (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>F268</sup>13AB(2)] [<sup>F269</sup>], 13B(3) [<sup>F270</sup>, (3B) or (3D)] [<sup>F271</sup> or 13BC(3) or (6)] of that Act must be issued by—

<sup>F272</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>F273</sup>regulation 29(2AA), 31C and 31FZA] above, sending a copy of it to any person affected by its contents.

<sup>F274</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.]

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

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>F275</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

- F268** 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**
- F269** 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)**
- F270** 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)**
- F271** 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)**
- F272** 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**
- F273** 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**
- F274** 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)**
- F275** 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

- I29** Reg. 36 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### [<sup>F276</sup>C] Communication of notices made on polling day **S**

**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.

(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

- F276** [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)

- C26** [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 **S**

**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.



*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

(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

**I30** Reg. 37 in force at 16.2.2001, see [reg. 1\(1\)](#)

### *The register*

#### Separate part of register for each parliamentary polling district **S**

**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

**I31** 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 **S**

**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

**I32** Reg. 39 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Qualifying addresses which are not included in the register **S**

**40.**—(1) Section 9(2)(b) of the 1983 Act(**20**) (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 section 2(4)(b) or (c)(ii) of the 1985 Act(**21**).

(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

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

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

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

(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<sup>(22)</sup>.

#### Commencement Information

**I33** Reg. 40 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Order of names **S**

**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

**I34** Reg. 41 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### [<sup>F277</sup> Anonymous entries **S**

**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

**F277** Reg. 41A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **15**

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

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Marking of names** **S**

**42.**—(1) Where no mark appears against a person’s [<sup>F278</sup>entry] in the register of electors, this indicates that he is registered in the registers of parliamentary and local government electors.

[<sup>F279</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>F280</sup>(3) .....

<sup>F280</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>F278</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>F278</sup>entry].

<sup>F281</sup>(7) .....

**Textual Amendments**

**F278** 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](#)

**F279** [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](#)

**F280** [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\(2\)](#))

**F281** [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**

**I35** [Reg. 42](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Publication of register** **S**

**43.**—[<sup>F282</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.]

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

(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

**F282** 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

**I36** Reg. 43 in force at 16.2.2001, see reg. 1(1)

### Information about register **S**

**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>F283</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>(23)</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;
- (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.

<sup>(23)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

(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>(24)</sup>.

[<sup>F284</sup>(6) The document referred to in paragraph (1) shall state the total number of electors who have an anonymous entry.]

#### Textual Amendments

**F283** 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)**

**F284** 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

**I37** Reg. 44 in force at 16.2.2001, see **reg. 1(1)**

### Preparation and publication of list of overseas electors **S**

**45.**—(1) The registration officer shall prepare 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 section 2(4) of the 1985 Act and regulation 18(1) above.

(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 shall be listed in alphabetical order.

(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>F285</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>F286</sup>(4) .....

#### Textual Amendments

**F285** 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**

**F286** 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

**I38** Reg. 45 in force at 16.2.2001, see **reg. 1(1)**

### [<sup>F287</sup>Record of anonymous entries **S**

**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.

(24) 1994 c. 39.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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

**F287** 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**

#### Duties of registration officer and his staff in relation to record of anonymous entries **S**

- 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.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Textual Amendments**

**F287** 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)**

**C27** 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** **S**

**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.

(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**

**F287** 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** **S**

**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>F288</sup>(3) .....

<sup>F288</sup>(4) .....



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

#### Textual Amendments

**F287** 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**

**F288** 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 **S**

**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) 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—

- (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

**F287** 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 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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** **S**

**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**

**F287** 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**

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

<sup>F289</sup>**45G.** . . . . .

**Textual Amendments**

**F289** 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** **S**

<sup>F290</sup>**46.** . . . . .

**Textual Amendments**

**F290** 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** **S**

<sup>F290</sup>**47.** . . . . .

**Textual Amendments**

**F290** 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)**

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## Sale of register and list of overseas electors **S**

<sup>F290</sup>48. ....

### Textual Amendments

**F290** 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 **S**

<sup>F290</sup>49. ....

### Textual Amendments

**F290** 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)**

## PART IV **S**

### ABSENT VOTERS

## Interpretation of Part IV **S**

**50.** In this Part of these Regulations—

“Schedule 4” means Schedule 4 to the 2000 Act; and

[<sup>F291</sup>“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post;]

“allotted polling station” has the meaning set out in regulation 53(7) below.

### Textual Amendments

**F291** Words in reg. 50 inserted (8.2.2008) by The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), **2(1)**

### Commencement Information

**I39** Reg. 50 in force at 16.2.2001, see **reg. 1(1)**

## [<sup>F292</sup>Disapplication of Part IV **S**

**50A.** This Part does not apply where a postal or proxy vote is being or has been sought in respect solely of local government elections in Scotland or of a particular local government election in Scotland.]

### Textual Amendments

**F292** Reg. 50A inserted (31.3.2009) by The Absent Voting at Scottish Local Government Elections (Provision of Personal Identifiers) Regulations 2009 (S.S.I. 2009/35), regs. 1, **3**

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

## General requirements for applications for an absent vote **S**

**51.**—(1) An application under Schedule 4 must comply with the requirements of this regulation and such further requirements in this Part of these Regulations as are relevant to the application.

(2) The application must state—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is [<sup>F293</sup>registered or has applied to be (or is treated as having applied to be) registered] in the register except in the case of an application under paragraph 7(4) or (7) of Schedule 4;
- (c) in the case of such an application, the proxy's address, together with the name of the elector for whom he will act as proxy and the elector's address for the purposes of sub-paragraph (b) above;
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent; <sup>F294</sup> ...
- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote.
- [<sup>F295</sup>(f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under paragraph 3, 4 or 7 of Schedule 4 to provide a signature and the name and address of any person who has assisted him to complete his application, and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.]

[<sup>F296</sup>(3) The application shall be made in writing and shall be dated.

(3A) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning by configuring the information as follows—

- (a) the signature shall appear against a background of white unlined paper at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth shall be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(3B) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (a) of paragraph (3A) shall not apply.]

(4) An application under Schedule 4 which is made for an indefinite period or the particular period specified in the application must state—

- (a) that it is so made, and
- (b) whether it is made for parliamentary elections, local government elections or both.

(5) An application under Schedule 4 which is made for a particular parliamentary or local government election must—

- (a) state that it is so made, and
- (b) identify the election in question,

but, where the poll at one election falls on the same day as the poll at another election, the application shall, unless a contrary intention appears, apply to both elections.

(6) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of regulation 52 below.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

#### Textual Amendments

- F293** Words in [reg. 51\(2\)\(b\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **3**
- F294** Word in [reg. 51\(2\)](#) omitted (8.2.2008) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **3(2)**
- F295** [Reg. 51\(2\)\(f\)\(g\)](#) inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **3(2)**
- F296** [Reg. 51\(3\)-\(3B\)](#) substituted for [reg. 51\(3\)](#) (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **3(3)**

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

- C28** [Reg. 51](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 6**

#### Commencement Information

- I40** [Reg. 51](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Additional provision concerning the requirement that an application for an absent vote must be signed by the applicant **S**

- <sup>F297</sup>**51A.** The registration officer may satisfy himself—
- (a) that an application under Schedule 4 meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—
    - (i) previously provided by the applicant to the registration officer or the returning officer; or
    - (ii) previously provided by the applicant to the authority referred to in regulation 35(2)(a), if held by that authority in records which the registration officer is authorised to inspect for the purposes of his registration duties; and
  - (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.]

#### Textual Amendments

- F297** [Reg. 51A](#) substituted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **4**

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

- C29** [Reg. 51A\(a\)](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 7**

### <sup>F298</sup><sup>F299</sup> Additional requirement for applications for ballot papers to be sent to different address from that stated in application **S**

- 51AA.**—(1) Paragraph (2) applies where—
- (a) in the case of an application to vote by post under paragraph 3(1) or (7) or 4(1) of Schedule 4, the addresses stated in accordance with regulation 51(2)(b) and (d) are different;

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 the case of an application by a proxy to vote by post under paragraph 7(4) of Schedule 4, the proxy’s address stated in accordance with regulation 51(2)(c) and the address stated in accordance with regulation 51(2)(d) are different.
- (2) The application must set out why the applicant’s circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with regulation 51(2)(d).
- (3) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.]

**Textual Amendments**

**F298** Regs. 51A, 51B inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **4**

**F299** Reg. 51AA inserted (28.3.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(4), **49**

---

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

**C30** Reg. 51AA(1) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 8**

**Additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4 S**

- 51B.**—(1) An application under—
- (a) paragraph 4(3)(a) of Schedule 4 by a person shown as voting by post in the record kept under paragraph 3(4) of that Schedule; or
  - (b) paragraph 7(7) of that Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of that Schedule,

for his ballot paper to be sent to a different address from that shown in the record shall set out why the applicant’s circumstances will be or are likely to be such that he requires his ballot paper to be sent to that address.

[  
<sup>F300</sup>(1A) Paragraph (1) does not apply where an applicant has, or has applied for, an anonymous entry.]

<sup>F301</sup>(2) .....

**Textual Amendments**

**F298** Regs. 51A, 51B inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **4**

**F300** Reg. 51B(1A) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **19(2)**

**F301** Reg. 51B(2) omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **19(3)**

---

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

**C31** Reg. 51B modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 9**

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

## Additional requirements for applications for the appointment of a proxy **S**

**52.**—<sup>F302</sup>(A1) Paragraph (1) applies to an application for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election, where that application is—

- (a) included in an application under paragraph 3 or 4 of Schedule 4 in accordance with regulation 51(6), or
- (b) otherwise made under paragraph 6(7) of Schedule 4.]

<sup>F303</sup>(1) An application <sup>F304</sup>... shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, and
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

<sup>F305</sup>(2) An application under paragraph 6(7) of Schedule 4 for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election, which is made in the circumstances set out in regulation 56(2B), must state that it is so made.]

### Textual Amendments

- F302** Reg. 52(A1) inserted (24.3.2021) by [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(2)(b)** (with reg. 1(2)(b))
- F303** Reg. 52 renumbered as reg. 52(1) (24.3.2021) by [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(2)(a)** (with reg. 1(2)(b))
- F304** Words in reg. 52(1) omitted (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(2)(c)** (with reg. 1(2)(b))
- F305** Reg. 52(2) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(2)(d)** (with regs. 1(2)(b), 2)

### Modifications etc. (not altering text)

- C32** Reg. 52 modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 10**

### Commencement Information

- I41** Reg. 52 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of <sup>F306</sup>blindness or any other disability **S**

**53.**—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(b) of Schedule 4 shall specify <sup>F307</sup>the disability] by reason of which it is made.

<sup>F308</sup>(2) Subject to paragraphs (3) and (5), such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing;
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984;



*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989;
  - [<sup>F309</sup>(e) a registered pharmacist as defined by article 3(1) of the Pharmacy Order 2010;]
  - (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993;
  - (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994;
  - (h) a Christian Science practitioner;
  - [<sup>F310</sup>(i) . . . . .]
  - (j) a person registered as a member of a profession to which the [<sup>F311</sup>Health Professions Order 2001 for the time being extends];
  - (k) the person managing a care home service registered under [<sup>F312</sup>Part 5 of the Public Services Reform (Scotland) Act 2010];
  - (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
  - (m) a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of a hospital within the meaning of that section; or
  - (n) a person registered as a social worker in the register maintained in accordance with section 44 of the Regulation of Care (Scotland) Act 2001.
- (3) A person who qualifies–
- (a) by virtue of any of sub paragraphs (a) to (j) of paragraph (2) may not attest an application for these purposes unless–
    - (i) he is treating the applicant for the disability specified in the application; or
    - (ii) the applicant is receiving care from him in respect of that disability; or
  - (b) by virtue of sub paragraph (n) of paragraph (2) may not attest an application for these purposes unless–
    - (i) he is treating the applicant for the disability specified in the application;
    - (ii) the applicant is receiving care from him in respect of that disability; or
    - (iii) he has arranged care or assistance for the applicant in respect of the applicant’s disability.
- (4) The person attesting an application under paragraph (2), other than a person attesting by virtue of sub paragraph (2)(m), shall state–
- (a) his name and address and the qualification by virtue of which he attests the application;
  - (b) where the person who attests the application is a person referred to in sub paragraph (3) (a), that he is treating the applicant for the disability specified in the application or that the applicant is receiving care from him in respect of that disability;
  - (c) where the person who attests the application is a person referred to in sub paragraph (3) (b), that he is treating the applicant for the disability specified in the application, that the applicant is receiving care from him in respect of that disability, or that he has arranged care or assistance for the applicant in respect of that disability;
  - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (4A) A manager (or a person on behalf of a manager) attesting an application under sub paragraph (2)(m) shall state—
- (a) the name of the manager attesting the application;
  - (b) that the manager is authorised to attest the application;
  - (c) the position of the manager in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
  - (d) the statutory provision under which the applicant is detained, or is liable to be detained, at the hospital, where applicable;
  - (e) that, to the best of the manager’s knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
  - (f) that, to the best of the manager’s knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the manager attesting the application.]
- (5) [<sup>F313</sup>Paragraphs (2) to (4A)] shall not apply where—
- (a) the application is based on the applicant’s blindness and the applicant is registered as a blind person by the local authority which is specified in the application; or
  - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992(25)) [<sup>F314</sup>, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011][<sup>F315</sup>[<sup>F316</sup>,] the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012 [<sup>F317</sup>or the higher rate of the mobility component of disability assistance for children and young people (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018)])] because of the [<sup>F318</sup>disability] specified in the application.
- (6) The fact that an applicant is registered with the local authority shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(b) of Schedule 4.
- (7) In this regulation and in regulations 54 and 55 below, “his allotted polling station” in relation to an elector means the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 of Schedule 4).

#### Textual Amendments

- F306** Words in reg. 53 heading substituted (1.4.2007) by *The Representation of the People (Scotland) (Amendment) Regulations 2007* (S.I. 2007/925), regs. 1(1), **30(2)**
- F307** Words in reg. 53(1) substituted (1.4.2007) by *The Representation of the People (Scotland) (Amendment) Regulations 2007* (S.I. 2007/925), regs. 1(1), **30(3)**
- F308** Reg. 53(2)-(4A) substituted for reg. 53(2)-(4) (1.4.2007) by *The Representation of the People (Scotland) (Amendment) Regulations 2007* (S.I. 2007/925), regs. 1(1), **30(4)**
- F309** Reg. 53(2)(e) substituted (27.9.2010) by *The Pharmacy Order 2010* (S.I. 2010/231), art. 1(5), **Sch. 4 para. 32** (with Sch. 5); S.I. 2010/1621, art. 2(1), Sch.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F310** Reg. 53(2)(i) omitted (1.7.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(9), **Sch. 4 para. 3**; S.I. 2009/1357, art. 2(1)(c)
- F311** Words in reg. 53(2)(j) substituted (2.12.2019) by The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094), reg. 1, **Sch. 3 para. 4**; S.I. 2019/1436, reg. 2(b)
- F312** Words in reg. 53(2)(k) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 31**
- F313** Words in reg. 53(5) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(5)(a)**
- F314** Words in reg. 53(5)(b) inserted (6.5.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(3)(b), **Sch. para. 21(2)**
- F315** Words in reg. 53(5)(b) inserted (6.5.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 3, **Sch. para. 26**
- F316** Comma in reg. 53(5)(b) substituted for word (22.11.2021) by The Social Security (Scotland) Act 2018 (Information-Sharing and Disability Assistance) (Consequential Provision and Modifications) Order 2021 (S.I. 2021/1188), arts. 1(2), **6(2)(a)**
- F317** Words in reg. 53(5)(b) inserted (22.11.2021) by The Social Security (Scotland) Act 2018 (Information-Sharing and Disability Assistance) (Consequential Provision and Modifications) Order 2021 (S.I. 2021/1188), arts. 1(2), **6(2)(b)**
- F318** Word in reg. 53(5)(b) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(5)(b)**

#### Commencement Information

- I42** Reg. 53 in force at 16.2.2001, see **reg. 1(1)**

### Additional requirements for applications for a proxy vote for a particular or indefinite period based on occupation, service, employment or attendance on a course **S**

**54.—(1)** An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(c) of Schedule 4 shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse [<sup>F319</sup>or civil partner] or, as the case may be, it is the applicant or his spouse [<sup>F319</sup>or civil partner] who is attending the course provided by an educational institution in respect of which the application is made;
  - (b) the nature of the occupation, service, employment or course provided by an educational institution giving rise to the application;
  - (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
  - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2)** Such an application shall be attested and signed—
- (a) where the person is self-employed, by a person who—
    - (i) is aged 18 years or over;
    - (ii) knows the self-employed person; and

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (iii) is not related to him;
  - (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
  - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.
- (3) The person attesting an application made under paragraph (2) above shall—
- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by sub paragraphs (a) to (d) of paragraph (1) above to be included in the application are true; or
  - (b) where the applicant is the spouse [<sup>F320</sup>or civil partner] of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (c) of paragraph (1) above are true.
- (4) The person attesting an application under paragraph (2) above shall also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self employed person or person attending a course provided by an educational institution but is not related to him; and
  - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
  - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this regulation, one person is related to another if the person is the [<sup>F321</sup>spouse, civil partner], parent, grandparent, brother, sister, child or grandchild of the other.

#### Textual Amendments

- F319** Words in [reg. 54\(1\)\(a\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(6\)\(a\)](#)
- F320** Words in [reg. 54\(3\)\(b\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(6\)\(b\)](#)
- F321** Words in [reg. 54\(5\)](#) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(6\)\(c\)](#)

#### Commencement Information

- I43** Reg. 54 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Additional requirements for applications for a proxy vote in respect of a particular election **S**

<sup>F322</sup>55.—(1) An application under paragraph 4(2) of Schedule 4 to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

<sup>F323</sup>(1A) This regulation does not apply where the applicant has an anonymous entry.]

(2) Where an application under paragraph 4(2) of Schedule 4—

- (a) is made on the grounds of the applicant's [<sup>F324</sup>disability]; and

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) is made after 5 p.m. on the sixth day before the date of poll at the election for which it is made,

the requirements of regulation 53 as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in paragraph (2) is made, the person who attests the application shall state, in addition to those matters specified in [<sup>F325</sup>regulation 53], to the best of his knowledge and belief, the date upon which the applicant became [<sup>F326</sup>disabled].

[<sup>F327</sup>(3ZA) For the purposes of paragraphs (2) and (3), an application on grounds of the applicant's disability does not include an application on grounds relating to coronavirus within the meaning of regulation 56(3B)(a), (b) or (c).]

[<sup>F328</sup>(3A) Where an application under paragraph 4(2) of Schedule 4 is made by a person to whom paragraph 2(5A) of that Schedule applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of paragraph (3B) as to the matters to be specified and as to attestation shall apply.

(3B) Where an application mentioned in paragraph (3A) is made—

- (a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and
- (b) the application shall be attested by a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of the hospital at which the applicant is liable to be detained, and the attestation shall state—
  - (i) the name of the manager attesting the application;
  - (ii) that the manager is authorised to attest the application;
  - (iii) the position of the manager in the hospital at which the applicant is liable to be detained; and
  - (iv) the statutory provision under which the applicant is liable to be detained at the hospital.]

[<sup>F329</sup>(4) Where an application under paragraph 4(2) of Schedule 4 is made—

- (a) on grounds relating to the applicant's occupation, service or employment; and
- (b) after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,

the requirements of regulation 55A as to the matters to be specified and the attestation shall apply.]]

#### Textual Amendments

- F322** Reg. 55 substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **5**
- F323** Reg. 55(1A) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **20(2)**
- F324** Word in reg. 55(2)(a) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(2)**
- F325** Words in reg. 55(3) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(3)(a)**
- F326** Word in reg. 55(3) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(3)(b)**
- F327** Reg. 55(3ZA) inserted (temp.) (24.3.2021) by virtue of The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 (S.I. 2021/391), regs. 1(1), **4(3)** (with regs. 1(2)(b), 2)
- F328** Reg. 55(3A)(3B) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(4)**

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

**F329** Reg. 55(4) 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(3)(b), **23**

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

**C33** Reg. 55 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 11**

**[<sup>F330</sup> Additional requirements for application for an emergency proxy vote in respect of a particular election **S****

**55A.**—(1) This regulation sets out the requirements referred to in regulation 55(4).

(2) The application must (in addition to providing the information required by regulation 55(1)) state—

- (a) where the applicant is self-employed, that fact; and, in any other case, the name of the applicant's employer;
- (b) that the reason provided in accordance with regulation 55(1) relates to the applicant's occupation, service or employment; and
- (c) the date on which the applicant became aware of that reason.

(3) Paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.

(4) The application must be attested and signed—

- (a) where the applicant is self-employed, by a person who—
  - (i) is aged 18 years or over;
  - (ii) knows the applicant; and
  - (iii) is not related to the applicant;
- (b) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer.

(5) The person attesting an application under paragraph (4) (the "attestor") must certify that the statements required by paragraph (2) and the information required by regulation 55(1) are true to the best of their knowledge and belief.

(6) The attestor shall also state—

- (a) the attestor's name and address, and
- (b) if the attestor is attesting—
  - (i) where the applicant is self-employed, that the attestor is aged 18 years or over and that the attestor knows, but is not related to, the applicant; or
  - (ii) as or on behalf of the employer of the applicant, that the attestor is the employer, or the position the attestor holds in the employment of that employer.

(7) For the purposes of this regulation, one person ('A') is related to another ('B') if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B.]

**Textual Amendments**

**F330** Reg. 55A 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(3)(b), **24**



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**C34** Reg. 55A applied (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 3 para. 2(g)

### Closing date for applications **S**

**56.**—(1) An application under paragraph [<sup>F331</sup>3(1), (6) or (7), or 7(4)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(2) [<sup>F332</sup>Subject to paragraph (2A),] an application [under paragraph [<sup>F333</sup>3(2) or 6(7)]] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

[<sup>F334</sup>(2A) An application under paragraph 6(7) of Schedule 4 which is made in the circumstances set out in paragraph (2B) shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5pm on the day of the poll at that election.

(2B) The circumstances are that—

- (a) the applicant is, at the time the application is made, included in the register kept under paragraph 3 of Schedule 4, and
- (b) the person already appointed as the applicant’s proxy at the time the application is made (“P”) considers that they are, or are likely to be, unable to attend the allotted polling station on the day of the poll referred to in paragraph (2A)—
  - (i) for reasons relating to compliance by P with a legal requirement to self-isolate;
  - (ii) [<sup>F335</sup>because attendance would be contrary to coronavirus advice given to P;]
  - (iii) because, due to P’s particular circumstances, attendance would give rise to a risk of transmission of coronavirus by P to another person.]

[<sup>F336</sup>(3) Subject to paragraph (3A), an application under paragraph 4(2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.

[<sup>F337</sup>(3A) Where an application made under paragraph 4(2) of Schedule 4 is made—

- (a) on the grounds of the applicant’s disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or

[<sup>F338</sup>(aza) on grounds relating to coronavirus; or]

[<sup>F339</sup>(aa) on grounds relating to the applicant’s occupation, service or employment and the applicant became aware of those grounds after 5 p.m. on the sixth day before the date of poll at the election for which it is made; or]

- (b) by a person to whom paragraph 2(5A) of that Schedule applies,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.]]

[<sup>F340</sup>(3B) For the purposes of paragraph (3A)(aza) an application is made on grounds relating to coronavirus if it is made—

- (a) because the applicant (“A”) considers that attendance at the allotted polling station would not be permitted due to A’s need to comply with a legal requirement to self-isolate;



Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) [<sup>F341</sup>because A considers that attendance at the allotted polling station would be contrary to coronavirus advice given to A;]
- (c) because A considers that, due to A’s particular circumstances, attendance at the allotted polling station would give rise to a risk of transmission of coronavirus by A to another person;
- (d) where A already has a person appointed as proxy under paragraph 6(8) of Schedule 4 (“P”), on the ground that P considers that they are, or are likely to be, unable to attend the allotted polling station because any of sub-paragraphs (a), (b) or (c) applies (reading references in those sub-paragraphs to A as references to P).

(3C) In this regulation—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“coronavirus advice” means advice relating to coronavirus given by a registered medical practitioner or a registered nurse.]

(4) An application under paragraph [<sup>F342</sup>4(1) or 7(7)] of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at the election for which it is made.

(5) An application under—

- (a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or
- (b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after [<sup>F343</sup>5.00 p.m. on the eleventh day before the date of the poll at that election.]

[<sup>F344</sup>(5A) Any application or notice mentioned in this regulation shall be disregarded for the purposes of a particular parliamentary or local government election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the returning officer (except where it has been returned in accordance with regulation 77 or 78 (spoilt and lost postal ballot papers)).]

(6) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, <sup>F345</sup>... Good Friday or a bank holiday shall be disregarded.

(7) In paragraph (6) above “bank holiday” means—

- (a) in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(26) in any part of the United Kingdom, and
- (b) in relation to a parliamentary by election or a local government election, a day which is a bank holiday under that Act in Scotland;

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate’s death, sub-paragraph (b) and not (a), shall apply.

<sup>F346</sup>(8) .....

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

- F331** Words in [reg. 56\(1\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(2)**
- F332** Words in [reg. 56\(2\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(a)** (with regs. 1(2)(b), 2)
- F333** Words in [reg. 56\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(3)**
- F334** [Reg. 56\(2A\)\(2B\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(b)** (with regs. 1(2)(b), 2)
- F335** [Reg. 56\(2B\)\(b\)\(ii\)](#) substituted (temp.) (27.2.2022) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) \(Amendment\) Regulations 2022 \(S.I. 2022/175\)](#), regs. 1(1), **4(a)** (with regs. 1(2)(3), 2)
- F336** [Reg. 56\(3\)\(3A\)](#) substituted for [reg. 56\(3\)](#) (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(4)**
- F337** [Reg. 56\(3A\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **32(2)**
- F338** [Reg. 56\(3A\)\(aza\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(c)** (with regs. 1(2)(b), 2)
- F339** [Reg. 56\(3A\)\(aa\)](#) 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(3)(b), **25(1)**
- F340** [Reg. 56\(3B\)\(3C\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(d)** (with regs. 1(2)(b), 2)
- F341** [Reg. 56\(3B\)\(b\)](#) substituted (temp.) (27.2.2022) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) \(Amendment\) Regulations 2022 \(S.I. 2022/175\)](#), regs. 1(1), **4(b)** (with regs. 1(2)(3), 2)
- F342** Words in [reg. 56\(4\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(5)**
- F343** Words in [reg. 56\(5\)](#) substituted (4.5.2001) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2001 \(S.I. 2001/1749\)](#), regs. 1(1), **5**
- F344** [Reg. 56\(5A\)](#) 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(3)(b), **25(2)**
- F345** Words in [reg. 56\(6\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **48(2)**
- F346** [Reg. 56\(8\)](#) omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **32(3)**

### Modifications etc. (not altering text)

- C35** [Reg. 56](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 12**

### Commencement Information

- I44** [Reg. 56](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Grant or refusal of applications** **S**

57.—(1) Where the registration officer grants an application to vote by post, he shall <sup>F347</sup>... notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall, where practicable, confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The form of the proxy paper <sup>F348</sup>... in Form E is hereby prescribed for the purposes of paragraph 6(9) of Schedule 4.

(4) Where the registration officer refuses an application under Schedule 4, he shall notify the applicant of his decision and of the reason for it.

[<sup>F349</sup>(4A) Where the registration officer grants an application made under—

- (a) paragraph 4(3)(a) of Schedule 4 by a person shown as voting by post in the record kept under paragraph 3(4) of that Schedule; or
- (b) paragraph 7(7) of that Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of that Schedule,

he shall notify the applicant of this.

(4B) Where a person is removed from the record kept pursuant to paragraph 3(4) [<sup>F350</sup>or 7(6)] of Schedule 4, the registration officer shall [<sup>F351</sup>where practicable] notify him of this and the reason for it.

(4C) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer shall [<sup>F352</sup>where practicable] notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased and the reason for it.]

(5) Where, under regulation 56 above, a registration officer disregards an application for the purposes of any particular parliamentary or local government election, he shall <sup>F353</sup>... notify the applicant of this.

(6) At a parliamentary election where the registration officer is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, he shall send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.

<sup>F354</sup>(7) .....

**Textual Amendments**

**F347** Words in reg. 57(1) omitted (23.3.2006) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **7(2)**

**F348** Words in reg. 57(3) 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)**)

**F349** Reg. 57(4A)–(4C) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **7(3)**

**F350** Words in reg. 57(4B) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **50(2)(a)**

**F351** Words in reg. 57(4B) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **50(2)(b)**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F352** Words in [reg. 57\(4C\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(3\)\(c\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 50\(3\)](#)
- F353** Words in [reg. 57\(5\)](#) omitted (23.3.2006) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), [regs. 1\(1\), 7\(2\)](#)
- F354** [Reg. 57\(7\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(c\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 50\(4\)](#)

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

- C36** [Reg. 57](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 13](#)
- C37** [Reg. 57\(4\)](#) applied (8.2.2008) by [The Absent Voting \(Transitional Provisions\) \(Scotland\) Regulations 2008 \(S.I. 2008/48\)](#), [regs. 1\(1\), 5\(2\)\(b\)](#)

#### Commencement Information

- I45** [Reg. 57](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Notice of appeal **S**

**58.**—(1) A person desiring to appeal under section 56(1)(b) of the 1983 Act<sup>(27)</sup> against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 57(4) above specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the sheriff with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal; and he shall give to the sheriff any other information which the sheriff may require and which the registration officer is able to give.

(3) 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.

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

- C38** [Reg. 58](#) applied (8.2.2008) by [The Absent Voting \(Transitional Provisions\) \(Scotland\) Regulations 2008 \(S.I. 2008/48\)](#), [regs. 1\(1\), 5\(2\)\(b\)](#)

#### Commencement Information

- I46** [Reg. 58](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Cancellation of proxy appointment **S**

**59.** Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 6(10) of Schedule 4 or ceases to be in force under that provision or is no longer in force under paragraph 6(11)(b) of that Schedule, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired, ceases to be or is no longer in force, unless the registration officer has previously been notified in writing by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under paragraph 3(4)(c) of Schedule 4.

(27) Section 56(1)(b) was amended by Schedule 2 to the 1985 Act.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**C39** Reg. 59 modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 14](#)

#### Commencement Information

**I47** Reg. 59 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Inquiries by registration officer **S**

**60.**—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person—

- (a) who is shown as voting by proxy in the record kept under paragraph 3(4) of Schedule 4 in pursuance of an application granted on the grounds set out in paragraph 3(3)(b) and (c) of that Schedule; or
- (b) who immediately before the date of the commencement of Schedule 4 was entitled to vote by proxy for an indefinite period at parliamentary elections, local government elections or both in pursuance of an application granted on grounds corresponding to those set out in paragraph 3(3)(b) and (c) of Schedule 4 (physical incapacity, blindness, occupation, service or employment),

for the purpose of determining whether there has been a material change of circumstances.

(2) Where the grant of an application for a proxy vote for an indefinite or particular period was based on the grounds referred to in paragraph 3(3)(c) of Schedule 4 (or grounds corresponding to those grounds), the registration officer shall make the inquiries referred to not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

#### Commencement Information

**I48** Reg. 60 in force at 16.2.2001, see [reg. 1\(1\)](#)

### <sup>F355</sup> Requirement to provide fresh signatures at five yearly intervals **S**

**60A.**—(1) The registration officer shall every year by 31st January send every person who remains an absent voter and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature, and
- (b) informing him of the date (six weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.

(2) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(4) Where a notice or copy of a notice is sent by post, the registration officer may use—

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid.

(5) A notice or copy of a notice sent to an absent voter in accordance with paragraph (1) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.

(6) The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with paragraph (1), determine whether the absent voter has failed or refused to provide a fresh signature.

(7) Where the registration officer determines that the absent voter has failed or refused to provide a fresh signature, he must from the date specified in the notice sent to the absent voter in accordance with paragraph (1) remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule.

(8) Where a registration officer removes an absent voter's entry in the circumstances to which paragraph (7) refers—

- (a) the registration officer shall inform the absent voter of the location of the polling station to which he has been allotted or is likely to be allotted under the appropriate rules (as defined in paragraph 1 of Schedule 4) unless that voter is not likely to be allotted to a polling station;
- (b) regulation 57(4) and regulation 58 shall apply as if the registration officer were refusing an application under Schedule 4; and
- (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.

(9) The registration officer shall include in the notice to be sent to an absent voter regarding his removal from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule, information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he may make a fresh application under Schedule 4 to vote by post or by proxy (as the case may be).]

#### Textual Amendments

**F355** Reg. 60A inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 5

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

**C40** Reg. 60A modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 15](#)

### [<sup>F356</sup>Requirement to provide fresh signatures following rejection of a postal voting statement **S**

**60B.**—(1) Where an absent voter is notified under regulation 61C that the signature does not match the example held on the personal identifiers record, and the absent voter continues to be shown on the relevant record as voting by post, the registration officer may require the absent voter to provide a fresh signature for the personal identifiers record.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (2) In doing so the registration officer must—
- (a) issue a notice in writing to the absent voter, requiring the provision of a fresh signature, and
  - (b) inform the absent voter of the date (six weeks from the sending of the notice) on which the absent voter would cease to be entitled to vote by post in the event of a failure or refusal to provide a fresh signature.
- (3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to the absent voter.
- (4) The notice and any copy must be sent by the registration officer to the current or last known address of the absent voter.
- (5) Where a notice or copy of a notice is sent by post, the registration officer may use—
- (a) a universal postal service provider; or
  - (b) a commercial delivery firm,
- and postage must be prepaid.
- (6) A notice or copy of a notice sent to an absent voter in accordance with paragraph (2) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.
- (7) Following the date specified in the notice sent to the absent voter, the registration officer must determine whether the absent voter has failed or refused to provide a fresh signature.
- (8) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature, the registration officer must remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list or proxy postal voters list (as the case may be) kept under paragraph 5(2) or 7(8) of that Schedule.
- (9) Where a registration officer removes an absent voter's entry in the circumstances to which paragraph (8) refers—
- (a) the registration officer shall inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to the voter under the appropriate rules (as defined in paragraph 1 of Schedule 4);
  - (b) regulations 57(4) and 58 shall apply as if the registration officer were refusing an application under Schedule 4; and
  - (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.
- (10) The registration officer shall include in the notice to be sent to an absent voter regarding their removal from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list or proxy postal voters list (as the case may be) kept under paragraph 5(2) or 7(8) of that Schedule, information—
- (a) explaining the effect of such removal; and
  - (b) reminding the absent voter that they may make a fresh application under Schedule 4 to vote by post or by proxy (as the case may be).
- (11) Where an absent voter has provided a registration officer with a fresh signature in response to a notice issued by the registration officer under this paragraph, or in response to a notice issued by the registration officer under any other enactment following the rejection of the absent voter's postal voting statement at an election or referendum, the registration officer may use that signature and enter it in the records kept in accordance with regulation 61B and paragraphs [F3573(9)], 4(6) and 7(12) of Schedule 4.]



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

- F356** Reg. 60B 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(3)(b), **26**
- F357** Word in reg. 60B(11) substituted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **12**

### <sup>F358</sup> Records and lists kept under Schedule 4 **S**

**61.**—(1) Any person entitled to be supplied in accordance with regulation 102, 104, 105 or 107 with copies of the full register is also a person entitled, subject to this regulation and to regulation 61A, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps—

- (a) the current version of the information which would, in the event of a particular parliamentary election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8) of Schedule 4;
  - (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8) of Schedule 4.
- (2) A request under paragraph (1) shall be made in writing and shall specify—
- (a) the information (or the relevant parts of the information) requested;
  - (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
  - (c) whether a printed copy of the records or lists is requested or a copy in data form.
- (3) A person who obtains any information under this regulation may use it only for—

- <sup>F359</sup>(a) Article 89 GDPR purposes;] or
- (b) electoral purposes,

and such use shall be subject to any restrictions specified in regulation 61A or, where the request for information was made by reference to entitlement under regulations 102, 104, 105 or 107, subject to any restrictions which would apply to the use of the full register under whichever of those regulations entitled that person to obtain that information.

(4) The registration officer shall supply a current copy of the information requested under paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer shall supply a final copy of the postal voters list kept under paragraph 5(2) of Schedule 4, as soon as practicable after 5 p.m. on the eleventh day before the day of the poll, in response to a request under paragraph (1) that has been duly made.

(6) As soon as practicable after 5 p.m. on the sixth day before the day of the poll the registration officer shall—

- (a) make a copy of the lists kept under paragraphs 5 and 7(8) of Schedule 4 available for inspection at his office in accordance with paragraphs (10) to (15); and
- (b) at a parliamentary election, if he is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, send to that officer a copy of those lists;
- (c) supply a final copy of the postal voters lists or the list of proxies in response to every request under paragraph (1) that has been duly made.

<sup>F360</sup>(6A) At a parliamentary election, the registration officer must, on a request made at any time, supply the returning officer for any constituency or part of a constituency for which he is the

registration officer with so much of the lists kept under paragraphs 5 and 7(8) of Schedule 4 as relate to that constituency or part of a constituency.]

(7) The registration officer shall supply a final copy of the proxy voters list kept under paragraph 5(3) of Schedule 4, updated to include any additions to that list made in consequence of any applications granted in accordance with regulation 56(3A), as soon as practicable after 5 p.m. on the day of the poll, to every person who received that list in accordance with paragraph (6)(c).

(8) Any person who has obtained or is entitled to obtain a copy of information covered by paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) and the condition in paragraph (4) of regulation 114 shall be taken to apply to the supply and processing of information supplied under this regulation as they apply to the supply and processing of the full register under Part 6 of these Regulations.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph (1).

(11) A request under paragraph (10) shall be made in writing and shall specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

(12) The registration officer shall make a copy of the information available for inspection under supervision on the date requested or as soon as practicable thereafter, if the request under paragraph (10) has been duly made.

(13) Where inspection requested under paragraph (10) takes place by providing a copy of the information 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.

(14) A person who inspects a copy of information provided under paragraph (12), 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.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this regulation, imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this regulation—

- (a) a “current” copy of records or lists is a copy of the records or lists as kept by the registration officer at the beginning of the day it is supplied; and

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) any period of days shall be calculated in accordance with regulation 56(6) and (7).

(17) The registration officer shall ensure that where he supplies or discloses information covered by paragraph (1)(a) in accordance with this regulation, he does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry; or
- (b) the proxy of a person who has an anonymous entry.]

#### Textual Amendments

- F358** Reg. 61 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **43**
- F359** Reg. 61(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 270** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F360** Reg. 61(6A) 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(3)(b), **27**

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

- C41** Reg. 61 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 16**

### <sup>F361</sup> Conditions on the use, supply and inspection of absent voter records or lists **S**

**61A.** The restrictions on the supply, disclosure and use of the full register in regulations 94 and 95 shall apply to information covered by regulations 61(1)(a) and (b), as they apply to the full register, except that the permitted purpose shall mean either—

- <sup>F362</sup>(a) Article 89 GDPR purposes;] or
- (b) electoral purposes.]

#### Textual Amendments

- F361** Reg. 61A inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **44**
- F362** Reg. 61A(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 271** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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

- C42** Reg. 61A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 17**

### <sup>F363</sup> The personal identifiers record **S**

**61B.—**(1) The registration officer shall maintain a record (“the personal identifiers record”), apart from the other records and lists which he is required to keep under Schedule 4, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4)(a) or (b) of Schedule 4 were granted, until the expiry of twelve months from—

- (a) the date on which a person is removed from the record kept pursuant to paragraph 3(4) or 7(6) of Schedule 4; or
- (b) the date of the poll for the purposes of which the person’s application for an absent vote was granted under paragraph 4(1) or (2) or 7(4)(b) of Schedule 4.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

(2) The personal identifiers record shall contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—

- (a) his name;
- (b) his date of birth; and
- (c) his signature, or a record of a waiver by the registration officer of the requirement for a signature.

(3) A returning officer may disclose information held in the personal identifiers record to—

- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to [<sup>F364</sup>in regulation 85A];
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000, but only to the extent required to permit them to observe the proceedings.]

#### Textual Amendments

**F363** Reg. 61B inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 6

**F364** Words in reg. 61B(3)(a) substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, 10

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

**C43** Reg. 61B modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 18**

#### [<sup>F365</sup>Notification of a rejected postal voting statement **S**

**61C.—**(1) Where an absent voter (whether an elector or a proxy), appears on the list created under regulation 87(4) then—

- (a) the registration officer responsible for the personal identifier record that contains information in respect of the absent voter must notify them (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the returning officer was not satisfied that the postal voting statement was duly completed;
- (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
- (c) the notification must include information as to which of the specified reasons referred to in regulation 87(5) applied to the absent voter's postal voting statement.

(2) The registration officer is not obliged to send a notification—

- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send out the notification; or
- (b) where the returning officer suspects that an offence may have been committed in relation to the postal ballot paper, postal voting statement or the absent voter's registration as an elector.

(3) A notification issued under paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.]

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

#### Textual Amendments

**F365** Reg. 61C 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(3)(b), **28**

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

**C44** Reg. 61C applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 19**

### Marked register for polling stations **S**

**62.** To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the [<sup>F366</sup>entry] of that elector in any copy of the register, or part of it, provided for a polling station.

#### Textual Amendments

**F366** Word in reg. 62 substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **16**

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

**C45** Reg. 62 applied (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 2(h)**

#### Commencement Information

**I49** Reg. 62 in force at 16.2.2001, see **reg. 1(1)**

### Certificate of employment at a parliamentary election **S**

**63.—(1)** The form of certificate in Form F is hereby prescribed for the purposes of rule 32(3) of the elections rules in Schedule 1 to the 1983 Act.

(2) The prescribed officer of police for those purposes is an officer of or above the rank of inspector.

#### Commencement Information

**I50** Reg. 63 in force at 16.2.2001, see **reg. 1(1)**

### [<sup>F367</sup>Corresponding number lists **S**

**63A.—(1)** The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act shall be in Form L1.

(2) The form of the corresponding number list to be prepared by a returning officer for the purposes of [<sup>F368</sup>rules 29(3)(e) and 37(1)(b)] of the rules in Schedule 1 to the 1983 Act shall be in Form L2.

(3) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985 shall be in Form M1.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) The form of the corresponding number list to be prepared by a returning officer for the purposes of [<sup>F369</sup>rules 29(3)(e) and 37(1)(b)] of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985 shall be in Form M2.]

#### Textual Amendments

**F367** Reg. 63A 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), 28(1)

**F368** Words in reg. 63A(2) substituted (8.2.2008) by The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), 14(1)

**F369** Words in reg. 63A(4) substituted (8.2.2008) by The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), 14(2)

## PART V **S**

### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

#### Interpretation of Part V **S**

64. For the purposes of this Part of these Regulations, unless the context otherwise requires—

<sup>F370</sup>  
...

“agent” includes the election agent and a person appointed to attend in the election agent’s place;

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in regulation 74 below;

<sup>F371</sup>  
...

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters’ ballot box” means the ballot box referred to in regulation 81(1)(a) above;

“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in regulation 81(5) below;

“spoilt postal ballot paper” means a ballot paper referred to in regulation 77(1) below;

“universal postal service provider” has the meaning given in [<sup>F372</sup>Part 3 of the Postal Services Act 2011] to a “universal service provider”; and

[<sup>F373</sup>“valid postal voting statement” means a postal voting statement which, in accordance with regulation 85 or 85A, the returning officer is satisfied has been duly completed.]

#### Textual Amendments

**F370** Words in reg. 64 omitted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 36(2)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F371** Words in [reg. 64](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 36\(3\)](#)
- F372** Words in [reg. 64](#) substituted (1.10.2011) by [The Postal Services Act 2011 \(Consequential Modifications and Amendments\) Order 2011 \(S.I. 2011/2085\)](#), [art. 1\(2\)](#), [Sch. 1 para. 47](#)
- F373** Words in [reg. 64](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), [regs. 1\(1\), 2\(2\)](#)

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

- C46** [Reg. 64](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 20](#)

#### Commencement Information

- I51** [Reg. 64](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### *Issue of postal ballot papers*

#### Combination of polls **S**

<sup>F374</sup>**65.** . . . . .

#### Textual Amendments

- F374** [Reg. 65](#) 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\(2\)](#))

#### Form of [<sup>F375</sup>postal voting statement] **S**

**66.** The form of the [<sup>F375</sup>postal voting statement] for the purposes of rule 24 of the rules in Schedule 1 to the 1983 Act(**28**) shall be—

- (a) in Form G at a parliamentary election taken alone;
- (b) in Form H at a parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election;
- (c) in Form J at a parliamentary election where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

#### Textual Amendments

- F375** Words in [Regulations](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)\(c\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 54\(a\)](#)

#### Commencement Information

- I52** [Reg. 66](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

(28) Rule 24 was substituted by Schedule 6 to the 2000 Act.



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

## Persons entitled to be present at proceedings on issue of postal ballot papers **S**

**67.** [<sup>F376</sup>Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000.] No person may be present at the proceedings on the issue of postal ballot papers other than the returning officer and his staff.

### Textual Amendments

**F376** Words in [reg. 67](#) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 51](#)

### Modifications etc. (not altering text)

**C47** [Reg. 67](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 21](#)

### Commencement Information

**I53** [Reg. 67](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Persons entitled to be present at proceedings on receipt of postal ballot papers **S**

**68.** [<sup>F377</sup>Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000.] no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the returning officer and his staff,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place, and
- (d) any agents appointed under regulation 69 below.

### Textual Amendments

**F377** Words in [reg. 68](#) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 51](#)

### Modifications etc. (not altering text)

**C48** [Reg. 68](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 22](#)

### Commencement Information

**I54** [Reg. 68](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Agents of candidates who may attend proceedings on receipt of postal ballot papers **S**

**69.**—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint; the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the opening of the postal voters' ballot box.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

F378(3) .....

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### Textual Amendments

**F378** Reg. 69(3) 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)**)

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

**C49** Reg. 69 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 23**

#### Commencement Information

**I55** Reg. 69 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Notification of requirement of secrecy **S**

**70.** The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the Act of 1983**(29)**.

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

**C50** Reg. 70 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 24**

#### Commencement Information

**I56** Reg. 70 in force at 16.2.2001, see [reg. 1\(1\)](#)

(29) Section 66(6) was amended by Schedule 3 to the 1985 Act.

Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>F379</sup>Time when postal ballot papers are to be issued S**

71. Postal ballot papers (and postal voting statements) must be issued by the returning officer as soon as it is practicable to do so.]

**Textual Amendments**

**F379** Reg. 71 substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **29**

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

**C51** Reg. 71 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 25**

**Procedure on issue of postal ballot paper S**

72.—<sup>F380</sup>(1) . . . . .

(2) The number of the elector as stated in the register shall be marked on the [<sup>F381</sup>corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector].

(3) A mark shall be placed in the [<sup>F382</sup>postal voters list] or the [<sup>F383</sup>proxy postal voters list] against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the [<sup>F375</sup>postal voting statement] sent with that paper.

<sup>F384</sup>(5) . . . . .

<sup>F384</sup>(6) . . . . .

[<sup>F385</sup>(7) [<sup>F386</sup>Subject to paragraph (8),] The address to which the postal ballot paper, [<sup>F375</sup>postal voting statement] and the envelopes referred to regulation 74 below are to be sent is—

- (a) in the case of an elector, the address shown in the [<sup>F382</sup>postal voters list];
- (b) in the case of a proxy, the address shown in the [<sup>F387</sup>proxy postal voters list.]]

[<sup>F388</sup>(8) Where a person has an anonymous entry in the register, the items specified in paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4; or
- (b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b) of Schedule 4.]

**Textual Amendments**

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**

**F380** Reg. 72(1) omitted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **29(1)**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F381** Words in reg. 72(2) substituted (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), **29(1)**
- F382** Words in reg. 72 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **37(1)**
- F383** Words in reg. 72 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **37(2)**
- F384** Reg. 72(5)(6) 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)**)
- F385** Reg. 72(7) inserted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), **12**
- F386** Words in reg. 72(7) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **21(2)**
- F387** Words in reg. 72(7)(b) substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **37(3)**
- F388** Reg. 72(8) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **21(3)**

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

- C52** Reg. 72 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 26**

#### Commencement Information

- I57** Reg. 72 in force at 16.2.2001, see **reg. 1(1)**

## Refusal to issue postal ballot paper **S**

73. Where a returning officer is satisfied that two or more entries in the [<sup>F389</sup>postal voters list], or the [<sup>F390</sup>proxy postal voters list] or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector at any one election.

#### Textual Amendments

- F389** Words in reg. 73 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **37(1)**
- F390** Words in reg. 73 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **37(2)**

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

- C53** Reg. 73 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 27**

#### Commencement Information

- I58** Reg. 73 in force at 16.2.2001, see **reg. 1(1)**

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

## Envelopes **S**

74.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and [<sup>F375</sup>postal voting statement] (which are issued under rule 24 of the elections rules<sup>(30)</sup>).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the [<sup>F375</sup>postal voting statement] (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”, and
- (c) [<sup>F391</sup>unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed,] the number of the ballot paper or, as the case may be, ballot papers.

<sup>F392</sup>(4) .....

### Textual Amendments

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**

**F391** Words in [reg. 74\(3\)\(c\)](#) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **52**

**F392** [Reg. 74\(4\)](#) 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)**)

### Modifications etc. (not altering text)

**C54** [Reg. 74](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 28**

### Commencement Information

**I59** [Reg. 74](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Sealing up of [<sup>F393</sup>completed corresponding number lists] and security of special lists **S**

75.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the [<sup>F394</sup>completed corresponding number lists] of those ballot papers which have been issued and shall seal such a packet.

<sup>F395</sup>(2) .....

[<sup>F396</sup>(3) Until the time referred to in regulation 84(8), the returning officer shall take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.]

<sup>(30)</sup> Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

- F393** Words in [reg. 75](#) heading substituted (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\(1\), 29\(2\)](#)
- F394** Words in [reg. 75\(1\)](#) substituted (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\(1\), 29\(2\)](#)
- F395** [Reg. 75\(2\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 38\(2\)](#)
- F396** [Reg. 75\(3\)](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 38\(3\)](#)

### Modifications etc. (not altering text)

- C55** [Reg. 75](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 29](#)

### Commencement Information

- I60** [Reg. 75](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Delivery of postal ballot papers **S**

**76.**—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) persons appointed under [rule 26\(1\)](#) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where [paragraph \(1\)\(c\)](#) above applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

### Modifications etc. (not altering text)

- C56** [Reg. 76](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 30](#)

### Commencement Information

- I61** [Reg. 76](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Spoilt postal ballot papers **S**

**77.**—<sup>[F397]</sup>(1) If a postal voter has inadvertently dealt with his postal ballot paper or <sup>[F375]</sup>postal voting statement] in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a <sup>[F375]</sup>postal voting statement] (referred to as

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 spoilt [<sup>F375</sup>postal voting statement]”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper or, as the case may be, the spoilt [<sup>F375</sup>postal voting statement].

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the [<sup>F375</sup>postal voting statement], whether spoilt or not;
- (b) <sup>F398</sup> ... and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph (1) or sub paragraph (a) <sup>F399</sup>....]

(3) [<sup>F400</sup>Subject to paragraph (3A),] on receipt of the documents referred to in paragraph (1) and, where applicable paragraph (2) above, the returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after [<sup>F401</sup> 5 p.m. on the day of the poll].

[<sup>F402</sup>(3A) Where the returning officer receives the documents referred to in paragraph (1) and, where applicable paragraph (2), after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returns the documents by hand.]

(4) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (7) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

[<sup>F403</sup>(5) Any postal ballot paper or [<sup>F375</sup>postal voting statement], whether spoilt or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.]

(6) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

[<sup>F404</sup>(7) Where a postal voter applies in person—

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

(8) The returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register [<sup>F405</sup>(or, in the case of an elector who has an anonymous entry, his electoral number alone)];
- (b) the number of the postal ballot paper (or papers) issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

#### Textual Amendments

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**

**F397** [Reg. 77\(1\)\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(2)**



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

|   |
|---|
| <p><b>F398</b> Words in reg. 77(2)(b) 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, <b>Sch. 1 Pt. 2</b> (as amended by S.I. 2019/1389, regs. 1, <b>2(2)</b>)</p> <p><b>F399</b> Words in reg. 77(2)(c) 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, <b>Sch. 1 Pt. 2</b> (as amended by S.I. 2019/1389, regs. 1, <b>2(2)</b>)</p> <p><b>F400</b> Words in reg. 77(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), <b>8(3)(a)</b></p> <p><b>F401</b> Words in reg. 77(3) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), <b>8(3)(b)</b></p> <p><b>F402</b> Reg. 77(3A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), <b>8(4)</b></p> <p><b>F403</b> Reg. 77(5) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), <b>8(5)</b></p> <p><b>F404</b> Reg. 77(7) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), <b>8(6)</b></p> <p><b>F405</b> Words in reg. 77(8)(a) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), <b>22</b></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C57</b> Reg. 77 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, <b>Sch. 3 para. 31</b></p> <hr/> <p><b>Commencement Information</b></p> <p><b>I62</b> Reg. 77 in force at 16.2.2001, see <b>reg. 1(1)</b></p> |
|---|

**Lost postal ballot papers** S

78.—<sup>F406</sup>(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper, or
- (b) the <sup>F375</sup>postal voting statement], or
- (c) one or more of the envelopes supplied for their return,

by the <sup>F407</sup>fourth] day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.]

(2) Such an application shall include evidence of the voter’s identity.

<sup>F408</sup>(2A) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall return—

- (a) the documents referred to in paragraph (1)(a) to (c); <sup>F409</sup>...

<sup>F409</sup>(b) .....

which he has received and which have not been lost.

(2B) Any postal ballot paper or <sup>F375</sup>postal voting statement] returned in accordance with paragraph (2A) shall be immediately cancelled.

(2C) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.]

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) [<sup>F410</sup>Subject to paragraph (3A),] where the application is received by the returning officer before [<sup>F411</sup>5 p.m. on the day of the poll] and the returning officer—

(a) is satisfied as to the voter’s identity, and

[<sup>F412</sup>(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the [<sup>F375</sup>postal voting statement] or one or more of the envelopes provided for their return]

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

[<sup>F413</sup>(3A) Where the application is received by the returning officer after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter applies in person.]

(4) The returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

(a) the name and number of the elector as stated in the register [<sup>F414</sup>(or, in the case of an elector who has an anonymous entry, his electoral number alone)];

(b) the number of the lost postal ballot paper and of its replacement issued under this regulation; and

[<sup>F415</sup>(c) where the postal voter is a proxy, his name and address.]

(5) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (6) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

[<sup>F416</sup>(6) Where a postal voter applies in person—

(a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or

(b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

(7) Where the registration officer issues another ballot paper, or, as the case may be, postal ballot papers under paragraph (3) above, the lost ballot paper shall be void and of no effect.

### Textual Amendments

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**

**F406** Reg. 78(1) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(2)**

**F407** Word in reg. 78(1) 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)(c), **30**

**F408** Reg. 78(2A)-(2C) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(3)**

**F409** Reg. 78(2A)(b) and word 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)**)

**F410** Words in reg. 78(3) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(4)(a)**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F411** Words in reg. 78(3) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(4)(b)**
- F412** Reg. 78(3)(b) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(4)(c)**
- F413** Reg. 78(3A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(5)**
- F414** Words in reg. 78(4)(a) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **22**
- F415** Reg. 78(4)(c) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(6)**
- F416** Reg. 78(6) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(7)**

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

- C58** Reg. 78 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 32**

#### Commencement Information

- I63** Reg. 78 in force at 16.2.2001, see **reg. 1(1)**

### <sup>F417</sup> Cancellation of postal ballot papers **S**

**78A.**—(1) Where, after the final nomination day at a parliamentary <sup>F418</sup>... election, an application under—

- (a) paragraph 3(5)(a) of Schedule 4 to the 2000 Act (application to be removed from the record of absent voters),
- (b) paragraph 3(6) or 4(3)(b) of that Schedule (application to vote by proxy by a person recorded as voting by post),
- (c) paragraph 3(7) of that Schedule (application to vote by post by person recorded as voting by proxy),
- (d) paragraph 4(3)(a) of that Schedule (application for postal ballot paper to be sent to different address),
- (e) paragraph 6(7) or (8) of that Schedule (appointment of proxy),
- (f) paragraph 7(7) of that Schedule (application from postal proxy voter for postal ballot paper to be sent to a different address), or
- (g) paragraph 7(9)(a) of that Schedule (application by proxy to be removed from record of postal proxies),

is granted or a notice under paragraph 6(10) of that Schedule (cancellation of proxy appointment) is received, and the application or notice is not to be disregarded for the purposes of that election under regulation 56, the registration officer must notify the returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application mentioned in sub-paragraph (d) or (f), must issue a replacement ballot paper.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with paragraph (1) (whether to the registration officer or the returning officer), it must be dealt with as follows—

- (a) the ballot papers, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer must be given by the registration officer to the returning officer;

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) any document returned in accordance with this paragraph but not cancelled in accordance with paragraph (1) must be immediately cancelled;
- (c) the returning officer, as soon as practicable after receiving and cancelling those documents, shall make up those documents in a separate packet and shall seal the packet, and if on any subsequent occasion documents are returned in accordance with this paragraph, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.
- (3) The returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this regulation (“the list of cancelled postal ballot papers”)—
- (a) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);
- (b) the number of the cancelled postal ballot paper;
- (c) the number of any replacement postal ballot paper issued under paragraph (1); and
- (d) where the postal voter is a proxy, their name and address.
- (4) Regulations 72 (except paragraph (3)), 74, 75 and 76 apply to a replacement postal ballot paper issued under paragraph (1).
- (5) In this regulation “the final nomination day” has the meaning given by section 13B(5) of the 1983 Act.]

#### Textual Amendments

**F417** Reg. 78A 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(3)(c), **31**

**F418** Words in reg. 78A(1) omitted (4.3.2015) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **9**

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

**C59** Reg. 78A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 33**

### *Receipt of postal ballot papers*

#### **Alternative means of returning postal ballot paper or [F375 postal voting statement] S**

- 79.**—(1) For the purposes of rule 45(1B) of the elections rules—
- (a) the manner in which a postal ballot paper or [F375 postal voting statement] may be returned to a polling station in the same constituency, is by hand;
- (b) the manner in which such a paper or [F419 statement] may be returned to the returning officer is by post or by hand.
- (2) [F420 Subject to paragraph (3),] the presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or [F375 postal voting statement] returned to that station to the returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 43(1) of the elections rules.
- [F421(3) The returning officer may collect, or cause to be collected, any postal ballot paper or [F375 postal voting statement] which by virtue of paragraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 the returning officer collects, or causes to be collected, any postal ballot paper or [<sup>F375</sup>postal voting statement] in accordance with paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.]

#### Textual Amendments

- F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**
- F419** Word in [reg. 79\(1\)\(b\)](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(b)(i)**
- F420** Words in [reg. 79\(2\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **10(2)**
- F421** [Reg. 79\(3\)\(4\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **10(3)**

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

- C60** [Reg. 79](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 35**

#### Commencement Information

- I64** [Reg. 79](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Notice of opening of postal ballot paper envelopes **S**

**80.**—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

- (2) Such a notice shall specify—
- the time and place at which such an opening is to take place, and
  - the number of agents a candidate may appoint under regulation 69(1) above to attend each opening.

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

- C61** [Reg. 80](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 36**

#### Commencement Information

- I65** [Reg. 80](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Postal ballot boxes and receptacles **S**

- 81.**—(1) The returning officer shall provide a separate ballot box for the reception of—
- the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
  - postal ballot papers (“postal ballot box”).

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral area for which the election or elections is or are held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

(a) the receptacle for rejected votes;

<sup>F422</sup>(b) .....

(c) the receptacle for ballot paper envelopes; <sup>F423</sup>...

(d) the receptacle for rejected ballot paper envelopes.

[<sup>F424</sup>(e) the receptacle for rejected votes (verification procedure); and

(f) the receptacle for postal voting statements (verification procedure).]

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

#### Textual Amendments

**F422** Reg. 81(5)(b) revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**

**F423** Word in reg. 81(5) omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 7

**F424** Reg. 81(5)(e)(f) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 7

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

**C62** Reg. 81 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 37**

#### Commencement Information

**I66** Reg. 81 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Receipt of covering envelope **S**

**82.**—(1) The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the returning officer—

(a) has been opened, and

(b) contains a ballot paper envelope, [<sup>F375</sup>postal voting statement] or ballot paper,

the first mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Textual Amendments**

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), reg. 1(1), [54\(a\)](#)

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

**C63** [Reg. 82](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 38](#)

**Commencement Information**

**I67** [Reg. 82](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Opening of postal voters' ballot box** **S**

**83.**—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of any agents, if in attendance.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 45 of the elections rules.

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

**C64** [Reg. 83](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 39](#)

**Commencement Information**

**I68** [Reg. 83](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Opening of covering envelopes** **S**

**84.**—<sup>F425</sup>(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in regulation 82(2)).

<sup>F426</sup>(1A) . . . . .

(1B) He shall open separately each covering envelope (including an envelope described in regulation 82(2)).]

<sup>F427</sup>(2) The procedure in regulation 85A applies where a covering envelope (including an envelope to which regulation 82(2) above applies) contains a postal voting statement.]

(3) Where the covering envelope does not contain the <sup>F375</sup>postal voting statement] separately, the returning officer shall open the ballot paper envelope to ascertain whether the <sup>F375</sup>postal voting statement] is inside.

<sup>F428</sup>(4) Where a covering envelope does not contain a postal voting statement (whether separately or not), the returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.]



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>F429</sup>(4A) .....

<sup>F430</sup>(5) In carrying out the procedures in this regulation and regulations 85 to 88, the returning officer—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(6) Where an envelope [<sup>F431</sup>opened in accordance with paragraph (1B)] contains a postal voting statement, the returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(7) A mark made under paragraph (6) shall be distinguishable from and shall not obscure the mark made under regulation 72(3).

(8) As soon as practicable after the last covering envelope has been opened, the returning officer shall make up into a packet the copy of the postal voters list and proxy postal voters list that have been marked in accordance with paragraph (6) and shall seal such a packet.]

**Textual Amendments**

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**

**F425** [Reg. 84\(1\)-\(1B\)](#) substituted for [reg. 84\(1\)](#) (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **8(2)**

**F426** [Reg. 84\(1A\)](#) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **32(1)**

**F427** [Reg. 84\(2\)](#) substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **32(2)**

**F428** [Reg. 84\(4\)](#) substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **32(3)**

**F429** [Reg. 84\(4A\)](#) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **32(1)**

**F430** [Reg. 84\(5\)-\(8\)](#) inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **39**

**F431** Words in [reg. 84\(6\)](#) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **8(5)**

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

**C65** [Reg. 84](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 40**

**Commencement Information**

**I69** [Reg. 84](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>F432</sup>Confirming receipt of postal vote and postal voting statements] S**

**84A.**—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may request, at any time before the close of the poll, that the returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of rejected votes kept by the returning officer under paragraphs (2) and (3) of regulation 87.

(2) The returning officer shall satisfy himself that any such request has been made by the elector or their proxy, and if so satisfied shall provide confirmation of the matters specified paragraph (1).]

**Textual Amendments**

**F432** Reg. 84A inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **40**

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

**C66** Reg. 84A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 41**

**Procedure in relation to [<sup>F433</sup>postal voting statements] S**

<sup>F434</sup>**85.** . . . . .

**Textual Amendments**

**F433** Words in Regulations substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **54(a)**

**F434** Reg. 85 revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**

**[<sup>F435</sup>Procedure in relation to postal voting statements: personal identifier verification] S**

**85A.**—[<sup>F436</sup>(1) This regulation applies in the circumstances described in regulation 84(2).]

(2) The returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is not so satisfied, he shall mark the statement “rejected”, attach it to the ballot paper envelope, or if there is no such envelope [<sup>F437</sup>but there is a ballot paper], the ballot paper, and, subject to paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”.

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

(5) The returning officer shall then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the returning officer shall open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under regulation 84(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the returning officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper, or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).]

#### Textual Amendments

- F435** Regs. 85A, 85B inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **10**
- F436** Reg. 85A(1) substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **33(1)**
- F437** Words in reg. 85A(3) 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(3)(c), **33(2)**

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

- C67** Reg. 85A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 42**

## Postal voting statements: additional personal identifier verification **S**

<sup>F438</sup>**85B.** . . . . .

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

**F438** Reg. 85B revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**

### Opening of ballot paper envelopes **S**

**86.**—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

### Modifications etc. (not altering text)

**C68** Reg. 86 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 43**

### Commencement Information

**I70** Reg. 86 in force at 16.2.2001, see [reg. 1\(1\)](#)

### <sup>F439</sup> Retrieval of cancelled postal ballot papers **S**

**86A.**—(1) Where it appears to the returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters' ballot box is opened in accordance with regulation 83, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements [<sup>F440</sup>(verification procedure)];
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulation 77(6) [<sup>F441</sup>or 78A(2)]; and

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 45 of the elections rules, re lock (if it has a lock) and re seal the postal ballot box in the presence of the agents.
- (3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the returning officer and his staff—
- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers, and
  - (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.]

#### Textual Amendments

- F439** Reg. 86A inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **33**
- F440** Words in reg. 86A(2)(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(3)(c), **34(a)**
- F441** Words in reg. 86A(2)(e) 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(3)(c), **34(b)**

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

- C69** Reg. 86A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 44**

### Lists of rejected postal ballot papers **S**

**87.**—(1) In respect of any election, the returning officer shall keep [<sup>F442</sup>three separate lists relating to] rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid [<sup>F375</sup>postal voting statement] was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid [<sup>F375</sup>postal voting statement] where that ballot paper is not received with the [<sup>F375</sup>postal voting statement].

[<sup>F443</sup>(4) In the third list, he shall record for every postal voting statement within the receptacle for rejected votes (verification procedure) immediately prior to sealing—

- (a) the elector's name and address (and the name of the address of the proxy if the elector has a proxy),
- (b) the elector's number on the register of electors (and that of the proxy if the elector has a proxy),
- (c) the specified reason or reasons for the rejection of the postal voting statement, and
- (d) any other information relating to the rejection that the returning officer considers appropriate, but not the ballot paper number.

(5) The specified reasons that may be given under paragraph (4)(c) for the rejection of a postal voting statement are as follows—

- (a) the signature does not match the example held on the personal identifiers record,
- (b) the date of birth does not match the one held on the personal identifiers record,

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 signature field is blank, or
- (d) the date of birth field is blank.]

#### Textual Amendments

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), [54\(a\)](#)

**F442** Words in [reg. 87\(1\)](#) substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), [35\(1\)](#)

**F443** [Reg. 87\(4\)\(5\)](#) 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(3)(c), [35\(2\)](#)

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

**C70** [Reg. 87](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 45](#)

#### Commencement Information

**I71** [Reg. 87](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Checking of lists kept under regulation 87 **S**

**88.**—(1) Where the returning officer receives a valid [<sup>F375</sup>postal voting statement] without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(2) above to see whether the number (or numbers) of a postal ballot paper to which the [<sup>F444</sup>statement] relates is entered in that list.

(2) Where the returning officer receives a postal ballot paper without the [<sup>F375</sup>postal voting statement] to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(3) above to see whether the number of that ballot paper is entered in that list.

(3) The returning officer shall conduct the checks required by paragraphs (1) and (2) above as soon as practicable after the receipt of packets from every polling station in the constituency under rule 43(1) of the elections rules.

(4) Where the ballot paper number in the list matches that number on a valid [<sup>F375</sup>postal voting statement] or, as the case may be, the postal ballot paper, the returning officer shall retrieve that [<sup>F444</sup>statement] or paper.

(5) The returning officer shall then take the appropriate steps under this Part of these Regulations as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

#### Textual Amendments

**F375** Words in [Regulations](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), [54\(a\)](#)

**F444** Word in [reg. 88\(1\)\(4\)](#) substituted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), [54\(b\)\(iii\)](#)

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**C71** Reg. 88 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 46**

#### Commencement Information

**I72** Reg. 88 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Sealing of receptacles **S**

**89.**—(1) As soon as practicable after the completion of the procedure under regulation 88(3) and (4) above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- <sup>F445</sup>(b) . . . . .
- (c) the receptacle of rejected ballot paper envelopes, <sup>F446</sup> ...
- (d) the lists of [<sup>F447</sup>spoilt, lost or cancelled] postal ballot papers,
- <sup>F448</sup>(e) the receptacle for rejected votes (verification procedure), and
- (f) the receptacle for postal voting statements (verification procedure),]

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

#### Textual Amendments

**F445** Reg. 89(1)(b) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **36(a)**

**F446** Word in reg. 89(1) omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **11**

**F447** Words in reg. 89(1)(d) substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **36(b)**

**F448** Reg. 89(1)(e)(f) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **11**

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

**C72** Reg. 89 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 47**

#### Commencement Information

**I73** Reg. 89 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Abandoned poll **S**

**90.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) shall, notwithstanding regulations 84 to 86 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

<sup>F449</sup>(2) .....

**Textual Amendments**

**F449** Reg. 90(2) 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**

**I74** Reg. 90 in force at 16.2.2001, see [reg. 1\(1\)](#)

<sup>F450</sup>**Retention of documents** **S**

**91.**—(1) The returning officer shall [<sup>F451</sup>retain together with] the documents mentioned in rule 55 of the elections rules—

- (a) any packets referred to in regulations 75, 77(6) [<sup>F452</sup>, 78(2C)] [<sup>F453</sup>, [<sup>F454</sup>78A(2),] 84(8)], and 89 above, subject to regulation 90 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral ward for which the election (or elections) was (or were) held, and
- (b) a completed statement in Form K of the number of postal ballot papers issued.

<sup>F455</sup>(c) any list compiled under regulation 87(4).]

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll (apart from those delivered in accordance with the provisions of regulation 79(3) above);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and [<sup>F456</sup>retain it] in the manner described in paragraph (1) above.

(4) [<sup>F457</sup>Rules 56, 57 and 58] of the elections rules shall apply to any packet or document [<sup>F458</sup>retained] under this regulation [<sup>F459</sup>save that in applying rules 56 and 57 to the list provided for by regulation 87(4), this list and any extracts from it are to be treated as if they were counted ballot papers.]

(5) A copy of the statement referred to in paragraph (1)(b) above shall be provided by the returning officer to the Secretary of State [<sup>F460</sup>and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after the day of the poll].

**Textual Amendments**

**F450** Reg. 91 heading substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(1)** (with reg. 1(2))

**F451** Words in reg. 91(1) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(3)** (with reg. 1(2))

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F452** Word in reg. 91(1)(a) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **11(2)**
- F453** Word in reg. 91(1)(a) inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **41**
- F454** Word in reg. 91(1)(a) 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(3)(c), **37(a)**
- F455** Reg. 91(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(3)(c), **37(b)**
- F456** Words in reg. 91(2) substituted (26.3.2010) by The Representation of the People (Scotland) (Amendment) Regulations 2010 (S.I. 2010/980), regs. 1(1), **3(4)** (with reg. 1(2))
- F457** Words in reg. 91(4) substituted (26.3.2010) by The Representation of the People (Scotland) (Amendment) Regulations 2010 (S.I. 2010/980), regs. 1(1), **3(5)** (with reg. 1(2))
- F458** Word in reg. 91(4) substituted (26.3.2010) by The Representation of the People (Scotland) (Amendment) Regulations 2010 (S.I. 2010/980), regs. 1(1), **3(5)** (with reg. 1(2))
- F459** Words in reg. 91(4) 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(3)(c), **37(c)**
- F460** Words in reg. 91(5) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **11(3)**

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

- C73** Reg. 91 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 49**

#### Commencement Information

- I75** Reg. 91 in force at 16.2.2001, see **reg. 1(1)**

### <sup>[F461]</sup> Forwarding of documents **S**

**91A.**—(1) Before the returning officer seals up the counted and rejected ballot papers as provided by rule 54 of the elections rules, the returning officer must—

- (a) where any list compiled under regulation 87(4) relates to a constituency contained within a single local government area, send a copy of the list to the registration officer for that local government area;
- (b) where any list compiled under regulation 87(4) relates to a constituency which comprises any part of more than one local government area, send a copy of such extracts of the list as are relevant to each of the registration officers for those local government areas.

(2) A registration officer may only use the information sent in accordance with paragraph (1) for the purposes of notifying voters in accordance with regulation 61C and requiring fresh signatures to be provided in accordance with regulation 60B.

(3) Rule 56 of the elections rules, as modified by rule 58 of those rules, shall apply to the copy of the list, or extracts of the list, sent in accordance with paragraph (1) as if—

- (a) references in rule 56 to counted ballot papers in the custody of the returning officer were to references to the copy of the list, or extracts of the list, sent to a registration officer in accordance with paragraph (1);
- (b) references to the returning officer (as modified by rule 58 of the elections rules) were to references to a registration officer who was sent a list, or extracts of a list, provided in accordance with paragraph (1).

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) Except as provided for by virtue of paragraph (3), no other person shall be allowed to inspect the copy of the list, or extracts of the list, sent to a registration officer in accordance with paragraph (1).

(5) The registration officer must cause the copy of the list, or extracts of the list, sent in accordance with paragraph (1) to be destroyed—

- (a) as soon as practicable after the registration officer has complied with the requirements of regulation 61C, and issued any notices under regulation 60B, in relation to the information provided in the copy of the list, or extracts of the list; and
- (b) in any event, within 4 months of receipt.]

#### Textual Amendments

**F461** Reg. 91A 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(3)(c), **38**

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

**C74** Reg. 91A applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 50**

## [<sup>F462</sup>PART 6 S

### SUPPLY OF REGISTER ETC

#### Textual Amendments

**F462** 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**

#### *Interpretation and edited register*

### Interpretation of Part VI etc S

**92.**—(1) In this Part “register” includes—

- (a) any part of it, and
- (b) except in [<sup>F463</sup>regulations 93 and 93A] and in the context of the supply by the registration officer of the register and notices altering the register, any notice altering the register which is published under section 13A(2) [<sup>F464</sup>13AB(2),] or 13B(3) [<sup>F465</sup>, (3B) or (3D)] of the 1983 Act(**11**).

(2) In this Part—

- (a) “enactment” has the same meaning as in section 17(2) of the 2000 Act; <sup>F466</sup>...
- (b) “processor” has the meaning set out in regulation 114 below.

[ “relevant requirement” means the requirement under Article 89 of [<sup>F468</sup>the UK GDPR],  
<sup>F467</sup>(ba) read with section 19 of the Data Protection Act 2018, that personal data processed for Article 89 GDPR purposes must be subject to appropriate safeguards.]

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

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F469(c) .....
- F469(d) .....

(3) In this Part, any reference to an employee of any person who has access to a copy of the full register shall be deemed to include any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(4) Any restriction on the use of a copy of the full register or information contained in it which is imposed by any regulation in this Part shall apply to a person to whom a copy of the full register has been supplied or information in it has been disclosed under the equivalent regulation in the Representation of the People (England and Wales) Regulations 2001(12), or the Representation of the People (Northern Ireland) Regulations 2001(13).

(5) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act(14), any duty on a registration officer to supply data under this Part imposes only a duty to supply data in the form in which he holds it.

(6) The registration officer shall not supply data which includes information not included in the printed version of the full register otherwise than under a provision in an enactment.

**Textual Amendments**

- F463** Words in reg. 92(1)(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)(d), **39**
- F464** Word in reg. 92(1)(b) 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**
- F465** Words in reg. 92(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**
- F466** Word in reg. 92(2)(a) omitted (23.3.2006) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **12(2)(a)**
- F467** Reg. 92(2)(ba) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 272(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F468** Words in reg. 92(2)(ba) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 36** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F469** Reg. 92(2)(c)(d) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 272(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**Edited version of register S**

**93.**—(1) At the time when the registration officer publishes a version of the register under section 13(1) or (3) of the 1983 Act(15), (“the full register”), he shall publish a version of the register under this regulation (“the edited register”).

(2) The edited register shall omit the names and addresses of any elector whose details are included in the full register if a request has been duly made [F470] to the registration officer in

(12) Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.  
 (13) Section 2 was substituted by Schedule 2 to the 2000 Act.  
 (14) Section 56(1)(a) was amended by Schedule 1 to the 2000 Act.  
 (15) Section 10A was substituted by Schedule 1 to the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

accordance with regulation 26 or regulation 93A by that elector] for his name and address to be excluded from the edited register.

[<sup>F471</sup>(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.]

[<sup>F472</sup>(3) In other respects the edited register shall be identical to the full register (and, accordingly, shall include any mark or date which is required to be recorded against the name of any elector), except that it shall take account of alterations in respect of which the registration officer has issued a notice under section 13A of the 1983 Act.

(3A) The registration officer must publish a revised version of the edited register incorporating any alterations which are required to be made by virtue of a request under either regulation 26 or regulation 93A and any alterations to the edited register in respect of which the registration officer is required to issue a notice under section 13A of the 1983 Act.

(3B) The registration officer must publish the revised version of the edited register in accordance with paragraph (3A)—

- (a) on the first day of the month which follows the date the request was received or, if the first day of the month is less than 14 days after the date the request was received, on the first day of the month immediately following that month; or
- (b) on the day the registration officer is required to publish the notice of alteration in accordance with section 13A;

whichever is appropriate.

(3C) Where no alterations are required to be made the duty in regulation 93(3A) does not apply.]

(4) Notwithstanding the omission of names and addresses in accordance with paragraph (2) above, regulation 41 above shall apply to the edited register as it applies to the full register.

(5) Unless the contrary intention appears, any reference in these Regulations to the register is to the full register.

(6) The manner in which each revised version of the edited register is to be published under this regulation is—

- (a) by the registration officer making a copy of it available for inspection at his office, and
- (b) by such other means (if any) as he thinks appropriate.

(7) Each revised version of the edited register shall be kept published until the coming into force of the next revised version of it.

#### Textual Amendments

**F470** Words in [reg. 93\(2\)](#) 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)(d), **40**

**F471** [Reg. 93\(2A\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **23**

**F472** [Reg. 93\(3\)-\(3C\)](#) substituted for [reg. 93\(3\)](#) (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)(d), **41**

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>F473</sup> **Notifying registration officer of change to edited register preference** **S**

**93A.**—(1) A person must make a request to the registration officer for the area in which the person resides if that person wishes to be included in or omitted from the edited register otherwise than in accordance with an application under regulation 26.

(2) A person making a request under paragraph (1) must provide the registration officer with the person's full name, address and an indication of whether the person wishes to be included in or omitted from the edited register.

<sup>F474</sup>(3) .....

(4) Where a person has made a request in accordance with paragraph (1), the registration officer <sup>F475</sup>may] notify the person in writing of the following—

- (a) confirmation that the person has requested that they are included in or omitted from the edited register;
- (b) when a revised version of the edited register reflecting the request will be published under regulation 93(3A);
- (c) the manner in which the person may contact the registration officer if this information is not correct.]

#### **Textual Amendments**

**F473** Reg. 93A 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)(d), **42**

**F474** Reg. 93A(3) 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), **14**

**F475** Word in reg. 93A(4) substituted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **10** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **11** (with reg. 1(4))

#### *General restrictions*

### **Restrictions on supply of full register and disclosure of information from it by the registration officer and his staff** **S**

**94.**—(1) This regulation applies to—

- (a) the registration officer, and
- (b) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his registration duties.

(2) Where the registration officer is also <sup>F476</sup>the returning officer at any election or] the counting officer at a referendum held by or under an Act of Parliament (and thereby has access to the full register without being supplied with a copy of it) this regulation also applies to—

- (a) the registration officer acting in that other capacity,
  - (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 full register, or
  - (b) disclose information contained in the full register (and not contained in the edited register),



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

otherwise than in accordance with an enactment, including these Regulations.

(4) Nothing in paragraph (3) above 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.

#### Textual Amendments

**F476** Words in [reg. 94\(2\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(3\)\(c\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\)](#), [53](#)

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

**C75** [Reg. 94](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 53](#)

### Restriction on use of the full register, or of information contained in it, supplied in accordance with enactments or obtained otherwise **S**

**95.**—(1) This regulation applies to—

- (a) any person to whom a copy of the full register has been supplied in pursuance of a relevant provision;
- (b) any person to whom information contained in the full register has been disclosed in pursuance of a relevant provision;
- (c) any person to whom a person referred to in sub-paragraph (a) or (b) has supplied a copy of the full register or information contained in it for the purposes (express or implied) of a relevant provision, and
- (d) any person who has obtained access to a copy of the full register or information contained in it by any other means.

**[**  
**F477**(2) No person to whom this regulation applies may—

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

other than for a permitted purpose construed in accordance with paragraph (3).

(3) The “permitted purpose”—

- (a) where the copy was supplied or the information obtained in pursuance of a relevant provision, means the particular purpose for which the copy was supplied or the information disclosed to the person in question pursuant to the relevant provision;
- (b) where the copy was not supplied or the information was not disclosed in pursuance of a relevant provision—
  - (i) in the case of a person to whom the copy of the full register was made available for inspection under supervision in accordance with [regulations 43\(1\)\(a\)](#), [96\(2\)\(a\)](#) and [\(3\)](#), [98\(4\)\(a\)](#) and [108A\(6\)\(a\)](#) and (b), does not include direct marketing within the meaning of **[**<sup>F478</sup>[section 122\(5\) of the Data Protection Act 2018](#)]; and
  - (ii) in any other case, means any purpose for which the person to whom this regulation applies could have obtained a copy of the register or the information contained in it pursuant to any enactment, including these Regulations.]



**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) In this regulation “relevant provision” means any enactment (except these Regulations) under which a copy of the full register is to be supplied or information from that register is to be disclosed for a particular purpose.

#### Textual Amendments

- F477** Reg. 95(2)(3) (omitted by virtue of S.I. 2006/834, **reg. 13(2)**) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **13(3)**
- F478** Words in reg. 95(3)(b)(i) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 273** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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

- C76** Reg. 95(2) modified (10.6.2011) by The Representation of the People (Electoral Registration Data Schemes) Regulations 2011 (S.I. 2011/1467), regs. 2, 5

### Supply on publication and specific restrictions

#### Supply of free copy of full register to the National Library of Scotland and the British Library and restrictions on use **S**

- 96.**—(1) Each registration officer shall supply, free of charge and on publication <sup>F479</sup>...—
- <sup>F480</sup>one printed copy and one data copy of] any revised version of the register published under section 13(1) or (3) of the 1983 Act(**16**), and
  - <sup>F481</sup>one printed copy of] any list of overseas electors,
- to the National Library of Scotland and the British Library.
- (2) <sup>F482</sup>Subject to paragraph (5)] no person employed by the National Library of Scotland or the British Library may—
- supply a copy of the full register other than to another such person or to a person using the Library to inspect it under supervision;
  - disclose any information contained in it (that is not contained in the edited register) otherwise than in accordance with paragraph (3) below, or
  - make use of any such information.
- (3) <sup>F483</sup>Subject to paragraph (5)] no information which is contained in the full register (that is not contained in the edited register) may be disclosed otherwise than by allowing a person using the National Library of Scotland or the British Library to inspect it under supervision.
- <sup>F484</sup>(3A) Where a copy of the full register is made available for inspection by providing the register on a computer screen or otherwise in data form, the National Library of Scotland and the British Library shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—
- search it by electronic means by reference to the name of any person; or
  - copy or transmit any part of that copy by electronic, or any other, means.]
- (4) A person who inspects the copy of the full register held by the National Library of Scotland or the British Library <sup>F485</sup>, whether a printed copy or in data form,] may not—

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) make copies of any part of it, or
  - (b) record any particulars included in it,
- except by means of hand-written notes.

[  
<sup>F486</sup>(5) A person employed by the National Library of Scotland or the British Library 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 [<sup>F487</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(6) 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 (5) may—

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

otherwise than for [<sup>F487</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(7) For the avoidance of doubt, and without prejudice to the generality of regulation 92(4), the restrictions on use imposed by paragraphs (2) to (4) and (6), and the removal of prohibition provided for by paragraph (5), shall apply to any copy of a register and to any copy of a list of overseas electors supplied to the National Library of Scotland in terms of regulation 97B of the Representation of the People (England and Wales) Regulations 2001.]

#### Textual Amendments

- F479** Words in reg. 96(1) omitted (23.3.2006) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(2)(a)**
- F480** Words in reg. 96(1)(a) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(2)(b)**
- F481** Words in reg. 96(1)(b) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(2)(c)**
- F482** Words in reg. 96(2) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(3)**
- F483** Words in reg. 96(3) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(4)**
- F484** Reg. 96(3A) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(5)**
- F485** Words in reg. 96(4) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(6)**
- F486** Reg. 96(5)-(7) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **14(7)**
- F487** Words in reg. 96(5)(6) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 274** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

#### Supply of free copy of full register for electoral purposes and restrictions on use **S**

**97.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act, and

Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) any notice setting out an alteration to the register published under section 13A(2) <sup>F488</sup>13AB(2),] or 13B(3) <sup>F489</sup>, (3B) or (3D)] of that Act,

to the returning officer for the council or, as the case may be, each council constituted under section 2 of the Local Government etc (Scotland) Act 1994(17) for his registration area.

(2) In paragraph (1) above the duty to supply one copy of the register is a duty to supply it in data form unless, prior to publication, the returning officer to whom it is to be supplied has requested in writing a printed copy instead.

(3) As soon as practicable after the relevant event, the registration officer shall supply free of charge to a returning officer for any constituency wholly or partly in his registration area as many printed copies of–

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act, as the case may be;
- (b) any notice setting out an alteration to that version of the register published under section 13A(2) <sup>F490</sup>13AB(2),] or 13B(3) <sup>F491</sup>, (3B) or (3D)] of that Act, and
- (c) the most recent list of overseas electors,

as the returning officer may reasonably require for the purposes of a parliamentary election.

(4) In paragraph (3) above–

- (a) “relevant event” means–
  - (i) <sup>F492</sup>the dissolution of Parliament in accordance with section 3(1) of the Fixed-term Parliaments Act 2011], or
  - (ii) the occurrence of a vacancy in the relevant constituency; and
- (b) the duty to supply as many printed copies of the register, notices and list of overseas electors as the returning officer may reasonably require includes a duty to supply one copy of each in data form.

<sup>F493</sup>(5) . . . . .

<sup>F493</sup>(6) . . . . .

(7) No person to whom a copy of the register has been supplied under this regulation may–

- (a) supply a copy of the full register;
- (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 the purposes of an election.

**Textual Amendments**

**F488** Word in reg. 97(1)(b) 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**

**F489** Words in reg. 97(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**

**F490** Word in reg. 97(3)(b) 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**

**F491** Words in reg. 97(3)(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**

(17) Section 10A was inserted by Schedule 1 to the 2000 Act.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F492** Words in reg. 97(4)(a)(i) substituted (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), **43**
- F493** Reg. 97(5)(6) 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)**)

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

- C77** Reg. 97 modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 54**

**[<sup>F494</sup>Supply of free copy of full register for elections of members of National Park authorities and restrictions on use **S****

**97A.**—(1) A registration officer shall supply, free of charge and as soon as reasonably practicable in response to a written request, as many printed copies of—

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act, as the case may be;
- (b) any notice setting out an alteration to the version of the register published under section 13A(2) [<sup>F495</sup>13AB(2),] or 13B(2) of that Act,

as a returning officer for the council or, as the case may be, each council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 may require for the purposes of any election of members of a National Park authority designated by an Order under the National Parks (Scotland) Act 2000 for his registration area.

(2) The duty to supply as many printed copies of the register and notices as the returning officer may reasonably require includes a duty to supply one copy of each in data form.

- (3) No person to whom a copy of the register has been supplied under this paragraph may—
  - (a) supply a copy of the full register;
  - (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 the purposes of an election.]

**Textual Amendments**

- F494** Reg. 97A inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **15**
- F495** Word in reg. 97A(1)(b) 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**

**Supply of free copy of full register etc to [<sup>F496</sup>Statistics Board] and restrictions on use **S****

**98.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of—

- (a) any 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) [<sup>F497</sup>13AB(2),] or 13B(3) [<sup>F498</sup>, (3B) or (3D)] of that Act;
- (c) any list of overseas electors,

to the [<sup>F499</sup>Statistics Board] (in this regulation referred to as [<sup>F499</sup>“the Board”]) [<sup>F500</sup>and the General Register Office for Scotland (in this regulation referred to as “GROS”) respectively].

(2) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, [<sup>F501</sup>the Board][<sup>F502</sup>or GROS] has requested in writing a printed copy instead.

(3) [<sup>F503</sup>Subject to paragraph (6)] no person employed by [<sup>F504</sup>the Board][<sup>F505</sup>or GROS] may—

- (a) supply a copy of the full register other than to another such person;
- (b) disclose any information contained in it (that is not contained in the edited register) otherwise than in accordance with paragraph (4) below, or
- (c) make use of any such information other than for statistical purposes.

(4) [<sup>F506</sup>Subject to paragraph (6)] no information which is contained in the full register (that is not contained in the edited register) may be disclosed otherwise than—

- (a) by allowing a person using the premises of [<sup>F507</sup>the Board][<sup>F508</sup>or GROS] to inspect it under supervision, and
- (b) by publishing information about electors which does not include the name or address of any elector.

[<sup>F509</sup>(4A) Where a copy of the full register is made available by providing the register on a computer screen or otherwise in data form, [<sup>F510</sup>the Board] and GROS 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.]

(5) A person who inspects the full register [<sup>F511</sup>, whether a printed copy or in data form,] may not—

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

except by means of hand-written notes.

[<sup>F512</sup>(6) A person employed by [<sup>F513</sup>the Board] or GROS 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 [<sup>F514</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(7) 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 (6) may—

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

otherwise than for [<sup>F514</sup>Article 89 GDPR purposes in accordance with the relevant requirement].]

#### Textual Amendments

**F496** Words in reg. 98 heading substituted (17.3.2009) by [The Representation of the People \(Amendment\) Regulations 2009 \(S.I. 2009/725\)](#), regs. 1(1), **15(1)**

**F497** Word in reg. 98(1)(b) 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**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F498** Words in reg. 98(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
- F499** Words in reg. 98(1) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), 15(2)(a)
- F500** Words in reg. 98(1) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(2)
- F501** Words in reg. 98(2) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), 15(2)(b)
- F502** Words in reg. 98(2) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(3)
- F503** Words in reg. 98(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(4)(a)
- F504** Words in reg. 98(3) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), 15(2)(b)
- F505** Words in reg. 98(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(4)(b)
- F506** Words in reg. 98(4) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(5)(a)
- F507** Words in reg. 98(4)(a) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), 15(2)(b)
- F508** Words in reg. 98(4)(a) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(5)(b)
- F509** Reg. 98(4A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(6)
- F510** Words in reg. 98(4A) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), 15(2)(b)
- F511** Words in reg. 98(5) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(7)
- F512** Reg. 98(6)(7) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 16(8)
- F513** Words in reg. 98(6) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), 15(2)(b)
- F514** Words in reg. 98(6)(7) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 275** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

## Supply of free copy of full register etc to Electoral Commission and restrictions on use **S**

- 99.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of—
- any revised version of the register published under section 13(1) or (3) of the 1983 Act;
  - any notice setting out an alteration to the register published under section 13A(2) [<sup>F515</sup>13AB(2),] or 13B(3) [<sup>F516</sup>, (3B) or (3D)] of that Act, and
  - any list of overseas electors,

to the Electoral Commission (in this regulation referred to as “the Commission”).

(2) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, the Commission has requested in writing a printed copy instead.

<sup>F517</sup>(2A) Each registration officer shall, if the Commission has made a written request, supply the Commission free of charge with one copy of any revised version of the register created following



**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

the publication of a notice of alteration in the register under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act.

(2B) In paragraph (2A) the duty to supply is a duty to supply in data form unless the Commission in the written request for the revised register has requested a paper copy instead.]

(3) Neither an Electoral Commissioner nor any person employed by the Commission may—

- (a) supply a copy of the full version of the register otherwise than to another Electoral Commissioner or another such person;
- (b) disclose any information contained in it otherwise than in accordance with paragraph (5) below; or
- (c) make use of any such information otherwise than in connection with his functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000(18).

(4) In paragraph (3) above “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner.

(5) The full register or any information which is contained in it may not be disclosed otherwise than—

- (a) where necessary to carry out the Commission’s duties in relation to the rules on permissible donors in the Political Parties, Elections and Referendums Act 2000, or
- (b) by publishing information about electors which does not include the name or address of any elector.

#### Textual Amendments

**F515** Word in reg. 99(1)(b) 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**

**F516** Words in reg. 99(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**

**F517** Reg. 99(2A)(2B) 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), **45**

#### Supply of free copy of full register etc to certain Commissions and restrictions on use **S**

**100.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of each of the documents listed in paragraph (2) below to the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland.

(2) Those documents are—

- (a) any 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) [<sup>F518</sup>13AB(2),] or 13B(3) [<sup>F519</sup>, (3B) or (3D)] of that Act, and
- (c) any list of overseas electors.

(3) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, the Commission to whom it is to be supplied has requested in writing a printed copy instead.

(4) In paragraph (5) below “a relevant person” means, in relation to each of the Commissions referred to in paragraph (1) above—

(18) Section 13 was substituted by Schedule 1 to the 2000 Act.



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) a member of the Commission in question;
  - (b) a person appointed to assist the Commission in question to carry out its functions and
  - (c) a person employed by the Commission in question.
- (5) A relevant person may not–
- (a) supply a copy of the full version of the register, except to another relevant person;
  - (b) disclose any information contained in it (that is not contained in the edited register), except by publishing information about electors which does not include the name and address of any elector, or
  - (c) process or make use of any such information, except in connection with his statutory functions.

#### Textual Amendments

- F518** Word in reg. 100(2)(b) 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
- F519** Words in reg. 100(2)(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 on request and specific restrictions*

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

**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) [<sup>F520</sup>13A(2),] or 13B(3) [<sup>F521</sup>, (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

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

and any restrictions which apply under whichever of [<sup>F522</sup>regulations 102 to 107 or 108] entitles that person to obtain that document for that purpose shall apply to such use.

#### Textual Amendments

- F520** Word in reg. 101(1)(b) 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**
- F521** 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**
- F522** Words in reg. 101(6) substituted (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), **Sch. 1 para. 3(3)** (with s. 101(5)); S.I. 2008/3296, art. 2

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

**102.**—(1) This regulation applies to—

(a) the Member of Parliament for any constituency wholly or partly within the registration area;

<sup>F523</sup>(b) .....

(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;

<sup>F524</sup>(b) .....

(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.

#### Textual Amendments

- F523** Reg. 102(1)(b) 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)**)
- F524** Reg. 102(2)(b) 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)**)

### Supply of full register to holders of relevant elective offices and candidates **S**

**103.**—(1) This regulation applies to—

*Status: Point in time view as at 27/02/2022.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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 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(19), as the case may be.

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

- 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** S

- 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—

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

- (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
  - (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** S

**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 [<sup>F525</sup>, 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).

[<sup>F526</sup>(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(20) 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

---

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

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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**

**F525** 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)

**F526** 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** **S**

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

- (a) a parliamentary <sup>F527</sup>... 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.

<sup>F528</sup>(2) .....

<sup>F528</sup>(3) .....

(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.

**Textual Amendments**

**F527** Words in reg. 107(1)(a) 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))

**F528** Reg. 107(2)(3) 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))

<sup>F529</sup>**Supply of full register etc to the security services** **S**

107A.—(1) This regulation applies to—

- (a) the Security Service;
- (b) the Government Communications Headquarters;
- (c) 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.]

Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Textual Amendments**

**F529** Reg. 107A inserted (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 3(4) (with s. 101(5)); S.I. 2008/3296, art. 2

**Supply of full register etc to police forces [<sup>F530</sup>and other agencies,] and restrictions on use S**

**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);
- <sup>F531</sup>(c) the Serious Organised Crime Agency;]
- (e) the Police Information Technology Organisation; <sup>F532</sup> ...
- (f) any body of constables established under an enactment.
- <sup>F533</sup>(g) .....
- <sup>F533</sup>(h) .....
- <sup>F533</sup>(i) .....

(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 [<sup>F534</sup>purposes specified in paragraph (4)].

<sup>F535</sup>(4) The purposes referred to in paragraph (3) are—

- (a) <sup>F536</sup> ...
  - (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; <sup>F537</sup> ...
- <sup>F537</sup>(b) .....

(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**

**F530** 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)**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

- F531** 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**
- F532** 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)**
- F533** Reg. 108(1)(g)-(i) revoked (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 3(5)(a), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2
- F534** 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)**
- F535** 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)**
- F536** Words in reg. 108(4)(a) revoked (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 3(5)(b), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2
- F537** Reg. 108(4)(b) and word revoked (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 3(5)(c), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2

### <sup>F538</sup>Supply of full register to statutory library authorities and local authority archives services, and restrictions on use **S**

**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) [<sup>F539</sup>13AB(2),] or 13B(3) [<sup>F540</sup>, (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



*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) 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 [<sup>F541</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(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 [<sup>F541</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(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.]

#### Textual Amendments

**F538** Reg. 108A inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **19**

**F539** Word in reg. 108A(1)(b) 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**

**F540** 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**

**F541** Words in reg. 108A(9)(10) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 276** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### *Sale of edited and full registers and specified restrictions*

#### **Sale of edited register** **S**

**109.**—(1) The registration officer shall supply a copy (or copies) of the edited register to any person on payment of a fee calculated in accordance with paragraph (2) below.

(2) In the case of the register—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

#### **Sale of full register etc: restrictions on supply, charges, etc** **S**

**110.**—(1) The registration officer may not sell a copy of—

- (a) the full register,
- (b) any notice under section 13A(2) [<sup>F542</sup>13AB(2),] or 13B(3) [<sup>F543</sup>, (3B) or (3D)] of the 1983 Act altering the register (“a relevant notice”), or
- (c) the list of overseas electors,

except to a person who is entitled under regulation 112 or 113 below to purchase them.

(2) The fee for such sale shall be calculated in accordance with paragraphs (3) to (6) below.

(3) Where a person purchases the full register together with any relevant notices which are published at that time altering the register, the register and the notices shall be treated as the same document for the purposes of the calculations set out in paragraph (5) below; and any entry in the register which is deleted by a notice shall accordingly be ignored for the purposes of the calculation.

(4) Where a person purchases a relevant notice separately from the full register, the calculations set out in paragraph (5) below shall be applied to that notice.

(5) Subject to paragraph (3) above, in the case of the register or a relevant notice—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

(6) In the case of the list of overseas electors—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 100 entries (or remaining part of 100 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 100 entries (or remaining part of 100 entries) in it.

(7) In any copy of the full register [<sup>F544</sup> or any copy of a notice under section 13A(2) [<sup>F545</sup>13AB(2),] or 13B(3) [<sup>F546</sup>, (3B) or (3D)] of the 1983 Act] which is sold in accordance with regulations 111 to 113 below, the letter “Z” shall be placed against the [<sup>F547</sup>entry] of any person whose [<sup>F547</sup>entry] is not included in the edited version of the register.

#### **Textual Amendments**

**F542** Word in reg. 110(1)(b) 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

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

- F543** Words in reg. 110(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**
- F544** Words in reg. 110(7) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **20**
- F545** Word in reg. 110(7) 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**
- F546** Words in reg. 110(7) 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**
- F547** Word in reg. 110(7) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **16**

### Sale of full register etc: general provisions **S**

**111.**—(1) This regulation applies in respect of the supply on payment of a fee of copies of the full register, including any notice published under section 13A(2) [<sup>F548</sup>13AB(2),] or 13B(3) [<sup>F549</sup>, (3B) or (3D)] of the 1983 Act altering that register, in accordance with regulation 112 or 113 below.

(2) The registration officer shall not supply a printed copy of the full register under either of those regulations if to do so would result in him having insufficient copies of it for the purposes of any requirement made by or under any enactment.

(3) In those regulations “the relevant restrictions” means the restrictions set out in paragraphs (4) and (5) below.

(4) No person in an organisation to which a copy of the register has been supplied under regulation 112 or 113 below 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 the purpose set out in the regulation by virtue of which the full register has been supplied.

(5) The restrictions in paragraph (4) above apply to a person to whom a copy of the full register has been supplied in accordance with regulation 112 or 113 below or to whom information contained in it has been so disclosed as it applies to a person in the organisation to which the copy of the full register was supplied under the regulation in question.

(6) In this regulation and regulations 112 and 113 below, “a relevant document” means—

- (a) the full register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice published under section 13A(2) [<sup>F550</sup>13AB(2),] or 13B(3) [<sup>F551</sup>, (3B) or (3D)] of that Act amending it, and
- (c) the list of overseas electors.

(7) A request to purchase a relevant document must be made in writing and must—

- (a) specify the documents required;
- (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 documents on publication for as long as the person making the request pays for them; and
- (c) state whether a printed copy of any document is requested instead of the version in data form.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### Textual Amendments

- F548** Word in reg. 111(1) 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**
- F549** Words in reg. 111(1) 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**
- F550** Word in reg. 111(6)(b) 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**
- F551** Words in reg. 111(6)(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**

### Sale of full register to government departments <sup>F552</sup>and other bodies **S**

**112.**—(1) Subject to regulation 111(2) above, the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 110 above a copy (or copies) of a relevant document <sup>F553</sup>to—

- (a) a government department;
- (b) the Scottish Environment Protection Agency;
- (c) the <sup>F554</sup>Financial Conduct Authority;]
- <sup>F555</sup>(ca) the Prudential Regulation Authority; or]
- (d) a body not falling within sub paragraphs (a) to (c) which carries out the vetting of any person for the purpose of safeguarding national security, other than <sup>F556</sup>a department to which regulation 107A applies or] a force or organisation to which regulation 108(1) applies.]

<sup>F557</sup>(2) For the purposes of regulation 111(3), the relevant restrictions apply—

- (a) in the case of a body falling within sub paragraphs (a) to (c) of paragraph (1), except for the purpose of—
    - (i) the administration of justice, the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
    - (ii) the vetting of employees and applicants for employment where such vetting is required pursuant to any enactment;
    - (iii) the vetting of any person where such vetting is for the purpose of safeguarding national security; or
    - (iv) supply and disclosure in accordance with paragraphs (3) to (6); and
  - (b) in the case of a body falling within sub paragraph (d) of paragraph (1), except for the purpose of the vetting of any person where such vetting is for the purpose of safeguarding national security.]
- (3) A government department <sup>F558</sup>, other than one mentioned in <sup>F559</sup>regulation 107A]] may supply (whether or not on payment) a copy of the full register to a person (“an authorised person”) who may only disclose information contained in it in accordance with paragraph (5) below.

(4) In this regulation any reference to an authorised person includes a reference to his employees.

(5) Information contained in the full register (and not contained in the edited register) may not be disclosed by an authorised person except to any person falling within regulations 102 to 107

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)*

above and for use for the purposes for which such a person could obtain the full register under the regulation concerned.

(6) The restrictions in regulations 102 to 107 above respectively apply to a person to whom information contained in the full register is disclosed under paragraph (5) above as they apply to a person to whom a copy of the register is supplied under those regulations.

(7) In this regulation “government department” includes the Scottish Administration.

#### Textual Amendments

- F552** Words in reg. 112 heading inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **21(2)**
- F553** Words in reg. 112(1) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **21(3)**
- F554** Words in reg. 112(1)(c) substituted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), reg. 1(1), **Sch. 2 para. 34(a)(i)**
- F555** Reg. 112(1)(ca) inserted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), reg. 1(1), **Sch. 2 para. 34(a)(ii)**
- F556** Words in reg. 112(1) inserted (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), **Sch. 1 para. 3(6)(a)** (with s. 101(5)); S.I. 2008/3296, art. 2
- F557** Reg. 112(2) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **21(4)**
- F558** Words in reg. 112(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **21(5)**
- F559** Words in reg. 112(3) substituted (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), **Sch. 1 para. 3(6)(b)** (with s. 101(5)); S.I. 2008/3296, art. 2

#### Sale of full register to credit reference agencies **S**

**113.**—(1) Subject to regulation 111(2) above, the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 110 above a copy (or copies) of a relevant document to [<sup>F560</sup>a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons] and which is carrying on the business of providing credit reference services.

(2) For the purposes of regulation 111(3) above, the relevant restrictions apply except for the purposes set out in paragraph (3) below.

(3) Those purposes are:

- (a) vetting applications for credit or applications that can result in the giving of credit or the giving of any guarantee, indemnity or insurance in relation to the giving of credit;
- (b) meeting any obligations contained in [<sup>F561</sup>Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017]<sup>F562</sup>... or any regulations amending or replacing them, [<sup>F563</sup>or any rules made by the Financial Conduct Authority under section 137A of the Financial Services and Markets Act 2000 which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons]**(23)**;
- (c) statistical analysis of credit risk assessment in a case where no person whose details are included in the full register is referred to by name or necessary implication.

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

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) The registration officer may require a credit reference agency to provide such evidence that it is carrying on the business of providing credit reference services as he shall reasonably require.

(5) In this regulation—

“application for credit” includes an application to refinance or reschedule an existing credit agreement;

“credit” includes a cash loan and any other form of financial accommodation;

“credit reference services” means the furnishing of persons with information relevant to the financial standing of individuals, which is information collected by the person furnishing it for the purpose of so furnishing it.

[<sup>F564</sup>(6) Paragraph (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000,
- (b) any relevant order under that section, and
- (c) Schedule 2 to that Act.]

**Textual Amendments**

**F560** Words in [reg. 113\(1\)](#) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 23(a)**

**F561** Words in [reg. 113\(3\)\(b\)](#) substituted (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\)](#), reg. 1(2), **Sch. 7 para. 16** (with regs. 8, 15)

**F562** Words in [reg. 113\(3\)\(b\)](#) omitted (1.3.2004) by virtue of [The Money Laundering Regulations 2003 \(S.I. 2003/3075\)](#), reg. 1(2)(d), **Sch. 2 para. 7(2)(ii)**

**F563** Words in [reg. 113\(3\)\(b\)](#) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), reg. 1(1), **Sch. 2 para. 34(b)**

**F564** [Reg. 113\(6\)](#) inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 23(b)**

**Supply of register to processor** **S**

**114.**—(1) In this Part, “processor” means a person who provides a service which consists of putting information into data form and any reference to a processor includes a reference to his employees.

(2) A person who has obtained [<sup>F565</sup>or is entitled to obtain] a copy of the full register under regulation 98, 100, 101, 103, 105, 106, 109, [<sup>F566</sup>112 or 113] may—

- (a) supply a copy of the full register to a processor for the purpose of processing the information contained in the register,
- (b) request a processor to process and provide to him any copy of the register which the processor has obtained under these Regulations,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

<sup>F567</sup>(3) .....



**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) A processor may not disclose the full register or the information contained in it except to the person who supplied it to the processor or any other person, or an employee of such a person, who is entitled to obtain a copy of the full register under these Regulations.

#### Textual Amendments

- F565** Words in reg. 114(2) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **22(2)**
- F566** Words in reg. 114(2) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **22(3)**
- F567** Reg. 114(3) omitted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **45**

### Offences

#### [<sup>F568</sup>Offences in respect of contravention of Parts III, IV and VI **S**

- 115.**—(1) A person is guilty of an offence—
- (a) if he contravenes any of the provisions specified in paragraph (2); or
  - (b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.
- (2) Those provisions are regulations 45C(4), <sup>F569</sup>... 45E(3), 61(3) and (14), 94(3), 95(2), 96(2), (4) and (6), 97(7), 97A(3), 98(3), (5) and (7), 99(3) and (5), 100(5), 102(3), 103(3), 104(4), 105(3), 106(3) and (6), 107(5), 108(3), 108A(6), (8) and (10), 111(4) and (5), 112(5) and (6) and 114(4).
- (3) P is not guilty of an offence under paragraph (1) if—
- (a) he has an appropriate supervisor; and
  - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in paragraph (2).
- (5) In paragraphs (1)(b) and (3)—
- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
  - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).
- (6) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]]

#### Textual Amendments

- F568** Reg. 115 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **46**
- F569** Word in reg. 115(2) revoked (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), Sch. 1 para. 3(7), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**C78** Reg. 115 modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 57**

## [<sup>F570</sup>PART 7 S

### ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

#### Textual Amendments

**F570** Pt. 7 inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **47**

#### Interpretation of Part VII S

**116.**—(1) In this Part references to the “marked register or lists” means any part of the marked copies of—

(a) the full register;

[ the notices amending the full register issued under section 13B(3B) or (3D) of the 1983 <sup>F571</sup>(aa) Act;]

(b) the postal voters list;

(c) the list of proxies; and

(d) the proxy postal voters list,

[<sup>F572</sup>retained by the returning officer under regulation 91 or rule 58] of the elections rules.

(2) For the purposes of this Part any period of days shall be calculated in accordance with regulation 56.

(3) Paragraphs (2) and (3) of regulation 92, and the condition in regulation 114(4), shall be taken to apply to the supply and processing of information supplied under this Part as they apply to the supply and processing of the full register under Part VI of these Regulations.

(4) Any duty on a [<sup>F573</sup>returning officer] to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

#### Textual Amendments

**F571** Reg. 116(1)(aa) inserted (18.7.2008) by The Representation of the People (Amendment) Regulations 2008 (S.I. 2008/1901), regs. 1(1), **7** (with reg. 2)

**F572** Words in reg. 116(1) substituted (26.3.2010) by The Representation of the People (Scotland) (Amendment) Regulations 2010 (S.I. 2010/980), regs. 1(1), **4** (with reg. 1(2))

**F573** Words in reg. 116(4) substituted (26.3.2010) by The Representation of the People (Scotland) (Amendment) Regulations 2010 (S.I. 2010/980), regs. 1(1), **5** (with reg. 1(2))

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

**C79** Reg. 116 modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 59](#)

**Supply of marked registers and lists after an election** **S**

**117.**—(1) Any person entitled to be supplied, in accordance with regulation 99, 102, 104, 105, 107, 108 or 112, with copies of the full register at the time of a parliamentary election is also a person entitled, subject to this regulation and to regulation 119, to request that a [<sup>F574</sup>returning officer] supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person who was entitled to request copies of the marked register or lists under paragraph (1) by being in a category of persons covered by regulation 102, 104, 105 or 107 before a particular election, shall be entitled to request those documents regardless of whether he remains in an entitled category after that election for which the marked register or list was prepared.

(3) A request under paragraph (1) shall be made in writing and shall—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists is requested or a copy in data form;
- (c) state the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve those purposes.

(4) The [<sup>F575</sup>returning officer] shall supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested, and
- (b) he has received payment of a fee calculated in accordance with regulation 120.

(5) If the [<sup>F575</sup>returning officer] is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under regulation 61 or for the published copy of the full register in accordance with regulation 101, or both.

(6) A person who obtains a copy of any part of a marked register or list under this regulation may use it only for the permitted purposes specified in paragraph (2) of regulation 119, and any conditions—

- (a) specified in that paragraph; or
- (b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 107, 108 or 112 entitled that person to obtain that document,

shall apply to such use.

[<sup>F576</sup>(7) Where a person has been supplied with a marked register or list, or any information contained in it (that is not contained in the edited register), by a person to whom regulation 99(3), 102(3), 104(4), 105(3), 107(5) or 108(3) applies, the restrictions in that paragraph of that regulation also apply to the person to whom the register, list or information was supplied, as they apply to that other person.]

(8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this regulation may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein; or

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this regulation, for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

#### Textual Amendments

- F574** Words in reg. 117(1) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **5** (with reg. 1(2))
- F575** Words in reg. 117(4)(5) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **5** (with reg. 1(2))
- F576** Reg. 117(7) substituted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **14(4)**

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

- C80** Reg. 117 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 61**

### Inspection of documents open to public inspection **S**

**118.**—(1) Any person is entitled to request that the [<sup>F577</sup>counting officer] make available for inspection a copy of any of the following documents (referred to in this regulation and in regulation 119 as “the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the [<sup>F577</sup>counting officer] is required by or under any enactment to retain for any period except—
  - (i) ballot papers;
  - (ii) completed corresponding number lists;
  - (iii) certificates as to employment on the day of the election.

[ the list required to be compiled under regulation 87(4), and any extracts produced <sup>F578</sup>(iv) from that list.]

- (2) A request under paragraph (1) shall be made in writing and shall specify—
  - (a) which documents are requested;
  - (b) the purposes for which the information in any document will be used;
  - (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve those purposes;
  - (d) who will inspect the documents;
  - (e) the date on which they wish to inspect the documents; and
  - (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to paragraph (4), the [<sup>F577</sup>counting officer] shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the [<sup>F577</sup>counting officer] is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor—

- (a) of his decision under this paragraph; and

*Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43.

(5) A person who obtains a copy of or information in any document open to public inspection under this regulation may use it only for the permitted purposes specified in regulation 119, and any conditions—

- (a) specified in that regulation;
- (b) specified in paragraph (7); or
- (c) which would apply to the use of the full register under regulation 108 where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the [<sup>F577</sup>counting 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.

(7) Subject to paragraph (8) a person who inspects a copy of a document open to public inspection, 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,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

[<sup>F579</sup>(8) The [<sup>F577</sup>counting officer] shall, on request, supply free of charge copies of any documents open to public inspection—

- (a) to each of the departments mentioned in regulation 107A;
- (b) to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 108 applies.]

#### Textual Amendments

**F577** Words in reg. 118 substituted (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 63**

**F578** Reg. 118(1)(b)(iv) 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(3)(d), **46**

**F579** Reg. 118(8) substituted (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), **Sch. 1 para. 3(8)** (with s. 101(5)); S.I. 2008/3296, art. 2

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

**C81** Reg. 118 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 62**

### Conditions on the use, supply and disclosure of documents open to public inspection **S**

**119.**—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 95 shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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) obtains copies of the information in the marked register or lists in accordance with regulation 117(1); or
- (b) a person inspects information in accordance with regulation 118(1),
- the permitted purpose shall mean either—
- (i) [<sup>F580</sup>Article 89 GDPR purposes;] or
- (ii) electoral purposes.
- (3) Where a copy of any information was supplied in the circumstances to which [<sup>F581</sup>regulation 118(8)(b)] applies, the permitted purpose means the purposes set out in regulation 108(4).

#### Textual Amendments

**F580** Reg. 119(2)(i) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 277** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**F581** Words in reg. 119(3) substituted (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), **Sch. 1 para. 3(9)** (with s. 101(5)); S.I. 2008/3296, art. 2

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

**C82** Reg. 119 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 64**

#### [<sup>F582</sup>Calculating the fee for supply of marked registers or lists **S**

- 120.**—(1) The fee to be paid in accordance with regulation 117(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in paragraph (2).
- (2) The fee shall be the sum of £10, plus for a copy—
- (a) in printed form, £2 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request; and
- (b) in data form, £1 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request.
- (3) For the purposes of this regulation, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.]]

#### Textual Amendments

**F582** Reg. 120 substituted (18.7.2008) by [The Representation of the People \(Amendment\) Regulations 2008 \(S.I. 2008/1901\)](#), regs. 1(1), **8** (with reg. 2)

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

**C83** Reg. 120 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 2(i)**

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

Scotland Office,  
Meridian Court, Glasgow  
14th February 2001

*HELEN LIDDELL*  
One of Her Majesty's Principal Secretaries of  
State

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## SCHEDULE 1 **S**

Preamble

### ENABLING POWERS

#### Commencement Information

**I76** Sch. 1 in force at 16.2.2001, see [reg. 1\(1\)](#)

These Regulations are made in exercise of the following powers:

- (a) sections 10A(7) and (9)(**31**), 13A(1) and (6), 53(**32**) and 201(1) and (3)(**33**) of, rule 24(**34**) of Schedule 1 and Schedule 2(**35**) to, the Representation of the People Act 1983 (“the 1983 Act”);
- (b) sections 3(5), (6) and (7)(**36**) of the Representation of the People Act 1985 (“the 1985 Act”);
- (c) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act, sections 4(4)(**37**), 9(2)(**38**), 10A(1), (3), (5) and (7), 13(3), 13A(2), [<sup>F583</sup>13AB(2),] 13B(3), 14(1), 16, 56(1) and (5) and 57, 75(3) and 89(1) of, and rules 24, 28(3), 29(3A)(**39**), 32(3) and 45(1B)(**40**) in Schedule 1 to, that Act;
- (d) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act and section 27(2) of the 1985 Act, section 2(3) of the 1985 Act(**41**);
- (e) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act and paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000, the following provisions in that Schedule, namely, paragraphs 3(1)(b) and (2)(c), 4(1)(b), (2)(c) and (4)(a), 6(7) and (8) and 7(5)(c) and (7);
- (f) having regard to the designation(**42**) of the Secretary of State for the purposes of section 2(2) of the European Communities Act 1972(**43**) in relation to measures relating to the rights of citizens of the Union to vote at European Parliamentary elections and local government elections in Scotland, that section 2(2); and
- (g) paragraph 2(4)(b) of Schedule 1 to the European Parliamentary Elections Act 1978(**44**).

#### Textual Amendments

**F583** Word in [Sch. 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](#)

(31) Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

(32) Section 53 was amended by Schedule 4 to the 1985 Act and Schedule 1 to the 2000 Act.

(33) Section 201(1) was amended by [S.I. 1991/1728](#) and section 201(3) was inserted by Schedule 1 to the 2000 Act.

(34) Rule 24 was substituted by Schedule 6 to the 2000 Act.

(35) Schedule 2 was amended by Schedules 2, 3 and 4 to the 1985 Act; Schedules 1 and 6 to the 2000 Act; and section 5 of the Representation of the People Act 1989 (c. 28). Schedule 2 has also been amended by section 9 of the 2000 Act but the amendments are not yet in force.

(36) Section 3 was substituted by Schedule 2 to the 2000 Act.

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

(38) Sections 9, 10A, 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

(39) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(40) Rule 45(1B) was inserted by Schedule 6 to the 2000 Act.

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

(42) The European Communities (Designation) (No. 3) Order 1993 ([S.I. 1993/2661](#)).

(43) [1972 c. 68](#).

(44) [1978 c. 10](#).



**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

SCHEDULE 2 **S**

Regulation 2

## REVOCATIONS

**Commencement Information**I77 Sch. 2 in force at 16.2.2001, see **reg. 1(1)**

| <i>1</i><br><i>Regulations revoked</i>  | <i>2</i><br><i>References</i>  | <i>3</i><br><i>Extent of revocation</i>   |
|---|--------------------------------|---|
| The Representation of the People (Scotland) Regulations 1986  | <a href="#">S.I. 1986/1111</a> | The whole Regulations except—<br>(i) regulations 1, 4 and 95 to 98, and<br>(ii) regulations 75, 76 and 78 to 94 insofar as they relate to a local government election <sup>(45)</sup> |
| The Representation of the People (Scotland) Amendment Regulations 1990  | <a href="#">S.I. 1990/629</a>  | The whole Regulations except regulations 24 and 25 insofar as they relate to a local government election, and regulations 28 to 33  |
| The Representation of the People (Scotland) Amendment Regulations 1992  | <a href="#">S.I. 1992/834</a>  | The whole Regulations   |
| The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 | <a href="#">S.I. 1994/342</a>  | Part II of the Schedule   |
| The Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995               | <a href="#">S.I. 1995/1948</a> | Paragraphs 17 to 22 of Schedule 2   |
| The Representation of the People (Scotland) Amendment Regulations 1997  | <a href="#">S.I. 1997/979</a>  | The whole Regulations   |

(45) Under section B3 of Part II of Schedule 5 to the Scotland Act 1998 (c. 46) the franchise at local government elections is reserved.

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## SCHEDULE 3 S

Regulation 4(2)

### FORMS

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

**C84** Sch. 3 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 65](#)

### ARRANGEMENT OF FORMS

|                           |  |
|---------------------------|--|
| [ <sup>F584</sup> Form A  | Official poll card (to be sent to an elector voting in person)   |
| Form A1                   | Official postal poll card (to be sent to an elector voting by post)  |
| Form B                    | Official proxy poll card (to be sent to an appointed proxy voting in person)   |
| Form B1                   | Official proxy postal poll card (to be sent to an appointed proxy voting by post)]   |
| Form C:                   | Return of expenses required by section 75 of the 1983 Act  |
| Form D:                   | Declaration as to expenses required by section 75 of the 1983 Act  |
| Form E:                   | Proxy paper  |
| Form F:                   | Certificate of employment  |
| Form G:                   | [ <sup>F375</sup> Postal voting statement] (for use at parliamentary elections)  |
| Form H:                   | [ <sup>F375</sup> Postal voting statement] (for use when postal ballots are combined)  |
| Form J:                   | [ <sup>F375</sup> Postal voting statement] (for use when a parliamentary poll is combined with another poll but the postal ballots are not combined) |
| Form K:                   | Statement as to postal ballot papers   |
| [ <sup>F585</sup> Form L1 | Corresponding Number List for use at parliamentary election taken alone  |
| Form L2                   | Corresponding Number List for use in polling station at parliamentary election taken alone   |
| Form M1                   | Corresponding Number List for use when parliamentary election combined with another poll   |
| Form M2                   | Corresponding Number List for use in polling station when parliamentary election combined with another poll]   |

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Textual Amendments**

**F584** Words in [Sch. 3](#) Table of Contents substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **35(2)**

**F585** Words in [Sch. 3](#) Table of Contents 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), **28(2)**

Regulation 9(2)

<sup>F586</sup>Form A: **S**

**Textual Amendments**

**F586** [Sch. 3](#) Form A substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(e), **Sch. 4**

**Commencement Information**

**I78** [Sch. 3](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

ELECTOR'S OFFICIAL POLL CARD

<sup>F587</sup>Form A1 **S**

**Textual Amendments**

**F587** [Sch. 3](#) Form A1 substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(e), **Sch. 4**

Regulation 9(3)

<sup>F588</sup>Form B: **S**

**Textual Amendments**

**F588** [Sch. 3](#) Form B substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(e), **Sch. 4**

PROXY'S OFFICIAL POLL CARD

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>Proxy poll card</b>   |
| <b>Election of Member of Parliament for the<br/>[insert name of constituency] constituency</b> |
| Date of election [Day] [Date] [Name of the Month]<br>[Year]                                    |

|                              |  |
|------------------------------|--|
| <b>Voting information</b>    |  |
| Polling day                  |  |
| Voting hours                 |  |
| Your polling station will be |  |

Please turn over

|   |
|---|
| <p><b>Your details:</b></p> <p>* [Proxy's name and qualifying address details here]</p> <p>** Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.</p> |
|---|

You will receive a proxy vote

- \*\* [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.
  - \*\* [You do not need to take this card with you to vote.] [You must have this card with you when you vote. You cannot vote as a proxy without it.]
  - \*\* If sent to the proxy of an anonymous elector omit the words in each of the first sets of brackets, if not omit the words in each of the second sets of brackets.
- [insert helpline and other details including website].

For this election you are proxy for:

- \* [(Elector's name)  
(Elector's address)  
(Elector's number on register)]
- [the person with this elector number: (insert elector's number on register)]
- \* If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets

The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.

This space for map or other information such as map and website details

**📞 If you need any help or to find out if your polling station is accessible, please contact us.**  
[Returning Officer to add contact details including website if appropriate]

**How to vote as a proxy**

1. \* [At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] \* [At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]  
\* If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets
2. Go to one of the voting booths.
3. Follow the instructions on how to mark the ballot paper.
4. Fold the ballot paper and put in the ballot box.

If you need any help, just ask the staff.

|  |
|--|
| <p><b>If you are away or cannot go to the polling station on [day] [date of poll]</b></p> <ul style="list-style-type: none"> <li>● You can apply to vote by post. The deadline for completed applications is 5pm on [day] [date of deadline].</li> <li>● If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election.</li> <li>● To find out how to apply, please call us on [insert helpline number or other contact details].</li> </ul> |
|--|

It is an offence to:

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Returning Officer issued this card.

If undelivered return to  
[insert return address]

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

F589 Form B1 **S**

**Textual Amendments**

**F589** Sch. 3 Form B1 substituted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), reg. 1(3)(e), **Sch. 4**

|  |
|--|
| <b>Proxy postal poll card</b>  |
| <b>Election of Member of Parliament for the</b><br><i>[insert name of constituency] constituency</i> |
| Date of election <i>[Day] [Date] [Name of the Month]</i><br><i>[Year]</i>                            |

|   |
|---|
| <b>Voting information</b>   |
| <b>We will send your postal vote around</b> <i>(name of day)</i><br><i>[date] [name of month] [year]</i> <sup>*</sup> <i>[addressed to:]</i>  |
| <sup>*</sup> <i>[Proxy's name and qualifying address details here]</i><br><sup>^</sup> <i>Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.</i> |

**Voting as a proxy**

<sup>\*\*</sup> [The person named on the back of this card] *[Another person]* has appointed you as a proxy to vote on their behalf at this election.

<sup>\*\*</sup> *If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.*

**Your postal vote**

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote as a proxy in a polling station.
- **If you have not received your postal vote by** *[day] [date] [name of month]* **call** *[insert helpline number]*.

**Please turn over**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

For this election you are proxy for:

\* *[(Elector's name)  
(Elector's address)  
(Elector's number on register)]*

*[the person with this elector number: (insert elector's number on register)]*

\* *If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

**How to vote**

1. When you receive your postal vote, read the instructions carefully.
2. Your postal vote includes your ballot paper and a postal voting statement.
3. Complete both of these and return them straight away.
4. We need to receive your postal vote by 10pm on *[day/date of poll]*.

**📞 If you need information in another format, please call our helpline below.**

**📞 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:**

*[Insert helpline or other details including website]*

**if you lose your postal vote or make a mistake**

- Please phone the helpline straightaway.
- We can only issue a replacement postal vote before 5pm on *[day/date of deadline]*.

if you would rather vote in person, you must cancel your postal vote before 5pm on *[day/date of deadline]*. For more information, please call the helpline.

**It is an offence to:**

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Returning Officer issued this card.

If undelivered return to  
*[insert return address]*

Regulation 10(1)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

Form C: **S**

RETURN OF EXPENSES REQUIRED BY SECTION 75 OF THE 1983 ACT  
REPRESENTATION OF THE PEOPLE ACT'S  
ELECTION IN THE .....  
CONSTITUENCY

Date of publication of notice of election .....

The expenses shown below were authorised in writing in accordance with the provisions of section 75 of the Representation of the People Act 1983.

They were authorised

by ..... (name of election agent)

for the candidate ..... (name of candidate) in the above mentioned election.

They were incurred by ..... (person/association/body of persons).

The agent's written authority is attached to this return.

Amount of expenses incurred: £ .....

Signature ..... Date .....

Regulation 10(1)



Status: Point in time view as at 27/02/2022.

Changes to legislation: Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

Form D: S

DECLARATION AS TO EXPENSES REQUIRED BY SECTION 75 OF THE 1983 ACT  
REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE ..... CONSTITUENCY

Date of publication of notice of election.....

Name of candidate .....

Name of election agent .....

I hereby declare that

I am [the person] or [a director, general manager, secretary or similar officer of the association, organisation or body of persons]\* named as incurring expenses in the accompanying return of expenses required by section 75 of the Representation of the People Act 1983.

To the best of my knowledge and belief that return is complete and correct.

The matter for which the expenses referred to in that return were incurred were as follows

.....  
.....  
.....

Signature .....

Office held .....  
(In the case of an association or body of persons)

Date .....

\* enter as appropriate

Regulation 57(3)

F590F591 Form E: S

PROXY PAPER

Textual Amendments

**F590** Sch. 3 Form E: the words “spouse, civil partner” substituted for “husband, wife” (5.12.2005) by The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 (S.I. 2005/2114), art. 1, Sch. 10 para. 1(7)(b)

**F591** Sch. 3 Form E: the words “European Parliamentary electoral region” and “\*[European Parliamentary electoral region]” and the words “European Parliamentary” and “\*[European Parliamentary]” in each

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

place they appear are 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)**)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

### REPRESENTATION OF THE PEOPLE ACTS

Constituency .....

Polling district .....

Local government electoral area(s) .....

European Parliamentary electoral region .....

Name of Proxy .....

Address .....

.....

.....

is hereby appointed as proxy for  
(Name of elector) .....

^[who is qualified to be registered for  
(Qualifying address) .....

^[who qualifies as an overseas elector in respect of the above constituency] to vote for  
him/her at

^[the ^[parliamentary] ^[local government] ^[European Parliamentary] election for the  
above \*[constituency] \* [electoral area] \*[European Parliamentary electoral region] on  
(date) .....

^[any \*[parliamentary] \*[local government] \*[European Parliamentary] election for the  
above  
\*[constituency] \*[electoral area] \*[European Parliamentary electoral region]]

^[This proxy appointment is not valid until .....

^[This proxy appointment remains valid until .....

Signature .....

Electoral Registration Officer

Address .....

.....

.....

Date .....

*\*Delete whichever is inappropriate*

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

2. Your appointment as proxy may be for a particular election only, or it may be for a particular or indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary, European Parliamentary or local government, election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.

If it is for a particular period, your right to vote as proxy expires on the date stated on the form.

3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.

4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about your right to vote by post.

Regulation 63(1)

<sup>F592</sup>Form F: **S**

### CERTIFICATE OF EMPLOYMENT

#### Textual Amendments

**F592** Sch. 3 Form F substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(e), **Sch. 4**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>Certificate of Employment</b>  |
| <b>Election of Member of Parliament for the <i>[insert name of constituency]</i> Constituency</b>   |
| Date of election <i>(insert name of day) (insert date) (name of month) (year)</i>   |
| The person named below is entitled to vote at any polling station in the above constituency on production and surrender of this certificate to the Presiding Officer.   |
| <p>I certify that _____ (name of elector)</p> <p>who is numbered* _____ in the register of electors for the constituency named above, cannot reasonably be expected to go in person to the polling station allotted to them at this election by reason of his/her employment on the above date for a purpose connected with this election:</p> <p>– as a constable**</p> <p>– by me (Only applies to Returning Officer's staff)**</p> <p>Signature _____ Returning Officer/Police Officer <i>(Inspector or above)**</i></p> <p>Date _____</p> <p>* The elector's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Electoral Registration Officer.</p> <p>** Person completing the form to delete whichever does not apply.</p> |

Regulation 66(a)

<sup>F593</sup>Form G: **S**

Form of postal voting statement  
*(for use at parliamentary elections)*

**Textual Amendments**

**F593** Sch. 3 Form G substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(e), **Sch. 4**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>Postal voting statement</b>  | [Space for barcode]   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>Election of Member of Parliament for the [insert name of constituency] constituency</b>  |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| Date of election [day] [date] [name of month] [year]  |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b>  |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>Please read the instructions carefully and use a black pen.</b>  |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| * Name _____ Ballot paper number _____  |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| * Returning Officer to insert name but omit where sent to an anonymous elector  |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| (!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us <b>immediately</b> on (insert helpline number).   |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>I am the person the ballot paper numbered above was sent to.</b>   |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>My Date of Birth is:</b>   | <table border="1"><tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr><tr><td>Day</td><td>Month</td><td colspan="4">Year</td></tr></table> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | Day | Month | Year |  |  |  |
| <input type="text"/>  | <input type="text"/>  | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |                      |                      |     |       |      |  |  |  |
| Day   | Month   | Year                 |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>* My Signature is:<br/>(You must sign inside the box)</b>  | <div style="border: 1px solid black; height: 60px; width: 100%;"></div>   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| * Returning Officer to omit box where the elector has been granted a waiver   |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>We will check this information against our records for security.</b>   |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| <b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.</b> |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |
| Returning Officer to add pictorial guidance as appropriate.   |   |                      |                      |                      |                      |                      |                      |     |       |      |  |  |  |

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## Instructions for voting by post

**Please read through carefully. If you need help, please call us on *[insert helpline number]***

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth *\*[and signature]* box[es]** on this postal voting statement.  
*\*Returning Officer to delete where elector is granted a waiver.*
3. Vote for **only one candidate** by putting a cross  in the box next to your choice on the ballot paper.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by 10pm on ***[day] [date of poll]***. If you miss the post, you can hand it in at our office or at any polling station in the constituency before **10pm on *[day] [date of poll]***.
6. After receiving this postal vote, you cannot vote in person at a polling station in this election.

## Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can obtain a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day] [date] [name of month]***. If you apply after 5pm on ***[day]*** before poll we can only issue a replacement if you return this ballot pack by hand. You will need to return all the contents of this postal voting pack to us.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Returning Officer issued this statement.  
*Returning Officer to add pictorial guidance as appropriate.*



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

F594F595 Form H: **S**

## Form of postal voting statement

*(for use where there is a joint issue and receipt of postal ballot papers)*

### Textual Amendments

- F594** Sch. 3 Form H substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(e), **Sch. 4**
- F595** Sch. 3 Form H: the words “European Parliamentary election ([insert colour] ballot paper) [Vote only once by putting a cross x in the box next to your choice.]” are 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)**)

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>Postal voting statement</b>  | [Space for barcode] |
| <p><b>Election of Member of Parliament for the [insert name of constituency] constituency</b><br/> <i>[Returning Officer to insert title(s) of other elections as appropriate]</i></p>  |                     |
| <p>Date of elections <i>[day] [date] [name of month] [year]</i></p>   |                     |
| <p><b>Important – you must fill in and return this postal voting statement with your completed ballot papers for them to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper numbers _____</p> <p>* <i>Returning Officer to insert name but omit where sent to an anonymous elector</i></p> <p>(!) Check that the numbers on the backs of your ballot papers match the numbers shown above. If they do not match, call us <b>immediately</b> on <i>(insert helpline number)</i>.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p><b>I am the person the ballot papers numbered above were sent to.</b></p> <p><b>My Date of Birth is:</b>    <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>    <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/></p> <p style="text-align: center;">Day                      Month                      Year</p> <p>* <b>My Signature is:</b><br/> <b>(You must sign inside the box)</b></p> <p>* <i>Returning Officer to omit box where the elector has been granted a walver</i></p> <div style="border: 1px solid black; width: 300px; height: 80px; margin-left: 10px; margin-top: 5px;"></div> </div> <p><b>We will check this information against our records for security.</b></p> <p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.</b></p> <p><i>Returning Officer to add pictorial guidance as appropriate.</i></p> |                     |

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

1. This document is part of the [Representation of the People \(Scotland\) Regulations 2001](#) (S.I. 2001/1000). It is made available on the [legislation.gov.uk](#) website. The text of this document is reproduced from the [legislation.gov.uk](#) website. It is not intended to be a substitute for the original document. It is not intended to be a substitute for the original document. It is not intended to be a substitute for the original document.

## Regulation 66(c)

<sup>F596</sup>Form J: **S**

Form of postal voting statement

*(for use when a parliamentary poll is combined with another poll but the postal ballots are not combined)*

### Textual Amendments

**F596** Sch. 3 Form J substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013](#) (S.I. 2013/3206), reg. 1(3)(e), **Sch. 4**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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>Postal voting statement</b>   | [Space for barcode] |
| <b>Election of Member of Parliament for the [insert name of constituency] constituency</b>   |                     |
| Date of election [day] [date] [name of month] [year]   |                     |
| <p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* <i>Returning Officer to insert name but omit where sent to an anonymous elector</i></p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us <b>immediately</b> on (insert helpline number).</p>  |                     |
| <p><b>I am the person the ballot paper numbered above was sent to.</b></p> <p><b>My Date of Birth is:</b>      <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>      <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/></p> <p style="text-align: center;">Day                      Month                      Year</p> <p>* <b>My Signature is:</b><br/><b>(You must sign inside the box)</b></p> <p>* <i>Returning Officer to omit box where the elector has been granted a waiver</i></p> <div style="border: 1px solid black; width: 300px; height: 80px; margin-left: 20px;"></div> |                     |
| <p><b>We will check this information against our records for security.</b></p> <p>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.</p> <p><i>Returning Officer to add pictorial guidance as appropriate.</i></p>   |                     |

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**Instructions for voting by post**

Please read through carefully. If you need help, please call us on *[insert helpline number]*

- For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper for this UK Parliamentary election.
- Make sure you have filled in the date of birth *[and signature]* *[box]* on this postal voting statement.

**UK Parliamentary election *[insert colour]* ballot paper**

- Vote for **only one candidate** by putting a cross *[X]* in the box next to your choice on the ballot paper.
- Do not mark the ballot paper in any other way or your vote may not count.
- We must get your postal vote by 10pm on *[day]* *[time of poll]*. If you miss the post, you can hand it in at our office or at any polling station in the constituency before 10pm on *[day]* *[date of poll]*.
- After receiving this postal vote, you cannot vote in person at a polling station in this election.

**Getting help**

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can obtain a replacement. Call us immediately as we can only issue a replacement before 5pm on *[day]* *[date]* *[name of month]*. If you apply after 5pm on *[day]* before 10pm we can only issue a replacement if you return this ballot pack by hand. You will need to return all the contents of this postal voting pack to us.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Returning Officer issued this statement.  
Returning Officer to add procedural guidance as appropriate.

## Regulation 91(1)(b)

F597F598F599F600F601F602F603F604 Form K: S

### STATEMENT AS TO POSTAL BALLOT PAPERS

#### Textual Amendments

- F597** Sch. 3 Form K substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 12(2), **Sch.**
- F598** Sch. 3 Form K: in the first column in entry 2 the words “, regulation 78 (lost or not received) and regulation 78A (cancelled due to change of address).” are substituted for “and regulation 78 (lost or not received)” (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(e), **51(1)(a)**
- F599** Sch. 3 Form K: entry "5. Total number of postal ballot papers cancelled under regulation 78A." is 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(3)(e), **51(1)(b)**
- F600** Sch. 3 Form K: entry 15 is omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(e), **51(1)(c)**
- F601** Sch. 3 Form K: entries 5 to 14 are renumbered as 6 to 15 (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(e), **51(2)(a)**
- F602** Sch. 3 Form K: in entry 14 the words "6 to 13" are substituted for "5 to 12" (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(e), **51(2)(b)**
- F603** Sch. 3 Form K: in entry 19 the word “, 78A” is inserted after "78" (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(e), **51(2)(c)**
- F604** Sch. 3 Form K: in entry 19 the words "2, 3, 5, 8 and 10" are substituted for “2, 3, 7 and 9” (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(e), **51(2)(c)**

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

## Form K:

### Regulation 91(1)(b)

#### STATEMENT AS TO POSTAL BALLOT PAPERS REPRESENTATION OF THE PEOPLE ACTS PARLIAMENTARY ELECTION

Constituency: .....

Date of Poll: .....

| <b>A. Issue of postal ballot papers</b>  | <i>Number</i> |
|--|---------------|
| 1. Total number of postal ballot papers issued under regulation 71   |               |
| 2. Total number of postal ballot papers issued under regulation 77 (spoilt and returned for cancellation) and regulation 78 (lost or not received)   |               |
| 3. Total number of postal ballot papers cancelled under regulation 86A (where the first ballot paper was cancelled and retrieved)  |               |
| 4. Total number of postal ballot papers issued (1 to 3)  |               |
|  |               |
| <b>B (1). Receipt of and replacement postal ballot papers</b>  | <i>Number</i> |
| 5. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under regulation 77(1) (spoilt), regulation 78(1) (lost) and regulation 86A (cancelled ballot papers)) |               |
| 6. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered   |               |
| 7. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued   |               |
| 8. Number of postal ballot papers replaced as lost or not received but not returned for cancellation   |               |
| 9. Number of postal ballot papers cancelled and retrieved in time for another ballot paper to be issued  |               |
| 10. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued   |               |
| 11. Number of covering envelopes returned as undelivered (up to the 10th day after the date of poll)   |               |
| 12. Number of covering envelopes not received by the returning officer (by the 10th day after the date of poll)  |               |
| 13. Total numbers 5 to 12 (this should be the same as that in 4 above)   |               |
|  |               |
| <b>B (2). Receipt of postal ballot papers – Personal Identifiers</b>   | <i>Number</i> |
| 14. Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements  |               |
| 15. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations)   |               |
| 16. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations)   |               |

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

|   |  |               |
|---|--|---------------|
| 17.                                     | Number of postal voting statements rejected following verification procedures due to the personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations) |               |
| <b>C. Count of postal ballot papers</b> |  | <i>Number</i> |
| 18.                                     | Number of ballot papers returned by postal voters which were included in the count of ballot papers  |               |
| 19.                                     | Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under 77, 78 and 86A are not rejections and should be included in items 2,3,7 and 9 above)                                      |               |

Date..... Signed.....  
Returning Officer

Address.....

**NOTE**

This statement is sent to the Sheriff Clerk. A copy must be sent to the Secretary of State and to the Electoral Commission, during a period of 5 days starting 10 days after the day of the poll.

F605 Form L1 **S**

**Textual Amendments**

**F605** Sch. 3 Forms L1, L2, M1, M2 inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), reg. 1(1), **Sch. 2**





**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

F605 Form L2 S

|  |
|--|
| <b>Form L2</b>   |
| <b>Corresponding Number List</b><br>(to be used in polling stations at a parliamentary election taken alone) |
| Constituency: .....  |
| Date of Poll: .....  |
| Polling Station: .....   |
| Sheet No.: .....   |

| <b>Ballot Paper Number</b> | <b>Elector Number</b> |
|----------------------------|-----------------------|
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |
|                            |                       |



**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

**F605 Form M2 S**

|   |       |
|---|-------|
| <b>Form M2</b>  |       |
| <b>Corresponding Number List</b><br>(to be used in polling stations when a parliamentary election is combined with another election/referendum) |       |
| Constituency/<br>Area(s):   | ..... |
| Date of Poll:   | ..... |
| Polling Station:  | ..... |
| Sheet No.:  | ..... |

| <b>Ballot Paper Number</b><br><i>Identify the number issued for<br/>election/referendum</i> | <b>Elector Number</b> |
|---|-----------------------|
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |
|   |                       |

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

F606 SCHEDULE 4 **S**

Regulation 13

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 AND 1985 ACTS FOR REGISTRATION OF EUROPEAN PARLIAMENTARY OVERSEAS ELECTORS

**Textual Amendments**

**F606** Sch. 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)**)

F607 SCHEDULE 4A **S**

Regulation 13

**Textual Amendments**

**F607** Sch. 4A 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)**)

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations replace the Representation of the People (Scotland) Regulations 1986, as amended, (“the 1986 Regulations”) except Part VI of those Regulations (which relates to the procedure where the polls at more than one election are taken together). These Regulations are needed in consequence of changes made by the Representation of the People Act 2000 (“the 2000 Act”).

Parts I to IV of these Regulations apply to elections for membership of the House of Commons and the European Parliament, and also to local government elections in Scotland. Part V applies to elections for those memberships but not to local government elections in Scotland.

Part I of these Regulations is based on Part I of the 1986 Regulations (as amended). Regulation 5 of these Regulations is simpler than the equivalent provision in the 1986 Regulations and is intended (together with regulation 6) to facilitate the use of electronic communications. The fees in regulation 10 are increased from £1.50 as the fee for inspection and 15p as the fee for copies to £5 and 20p, respectively.

Regulation 12 of these Regulations exercises the power conferred by rule 29(3A)(b) of the parliamentary elections rules, as inserted by section 13(2) of the 2000 Act. This imposes on the returning officer a duty to supply to each polling station a device of a description prescribed in

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

regulations to enable blind or partially sighted voters to vote without assistance. Regulation 12 prescribes that description.

Provision about the registration of relevant citizens of the Union as European Parliamentary electors which was made by regulation 14A of the 1986 Regulations, as amended, will be included in a separate set of regulations.

Part II of these Regulations is based on Part II of the 1986 Regulations (as amended). However, the provision in the latter in respect of patients' declarations is omitted consequent on the replacement of section 7 of the 1983 Act (subsections (2) to (9) of which provided for such declarations) by the 2000 Act.

Part III of these Regulations differs from Part III of the 1986 Regulations because it no longer includes provision about electors lists (whether or not in the form of the draft register). This is because the changes made by Schedule 1 to the 2000 Act abolished the need for such lists consequent on the introduction of "rolling registration". Under this system the register of electors continues in force indefinitely (although revised versions of it will be produced at least once a year). This contrasts with the previous system under which the register remained in force for one year and was compiled by reference to residence on a qualifying date.

The following regulations are however in substance the same as provisions in the 1986 Regulations (including provisions in those Regulations about amendments to the published register). These regulations are regulations 23 and 24, 26 to 32, 35 to 40 and 42 to 45. Regulation 41 (order of names) no longer includes provision about the numbering of names in the register (because that is provided for in section 9(3) and (4) of the 1983 Act, as substituted by Schedule 1 to the 2000 Act); it also enables the registration officer, rather than the council which appointed him, to determine when street order is not a reasonably practicable way of arranging the register.

Regulation 25 extends the duty on registration officers to send out reminders to all persons registered in pursuance of a declaration and not just overseas electors; it thereby covers those who made service declarations and declarations of local connection.

Under section 10A(5) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act) a person whose name is duly entered in a register is entitled to remain registered there until the occurrence of any of the circumstances set out in that provision. Paragraph (b) of that provision enables regulations to set out circumstances for these purposes and regulation 33 exercises that power.

One of the circumstances set out in section 10A(5) is that the form used for the purposes of the annual canvass (under section 10(4) of the 1983 Act, as substituted by section 1 to the 2000 Act) has not been returned in respect of a person included in the register. Under regulation 34 (in

exercise of the power in section 10A(7)) such a name is to be included in the register for the period of one year only notwithstanding that the form has not been returned.

Regulation 35 is a new provision which enables the registration officer to inspect the records listed in that regulation for electoral registration purposes. Regulation 36 specifies notices for the purposes of sections 13(3), 13A(2) and 13B(3) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act). Regulation 37 makes provision about notification where one registration officer is informed by a person who has moved into his area that he no longer resides in the area of another registration officer.

Regulation 46 repeats the substance of the 1986 Regulations on the free supply of copies of the register but adds the Electoral Commission to the list of officers to whom copies of a revised version of the register (and list of overseas electors) are to be supplied free of charge on publication. Regulation 47 repeats the substance of the 1986 Regulations on the free supply of copies of the register on request but adds political parties registered under Part II of the Political Parties, Elections and Referendums Act 2000 to the list of recipients. In each case the regulation requires that the copy is to be supplied in data form, subject to exceptions. Regulations 48 and 49 make fresh provision about the sale of copies of the register (and list of overseas electors).

**Status:** Point in time view as at 27/02/2022.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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)

Part IV of these Regulations supplements the new rules about absent voting which are set out in Schedule 4 to the 2000 Act. Those rules differ from the existing rules (in sections 5 to 9 of the Representation of the People Act 1985) in that persons are entitled to apply to vote by post without the need to put forward a reason for doing so. Accordingly, the additional requirements set out in regulations 53 to 55 of these Regulations closely resemble the equivalent provisions in the 1986 Regulations except that they are limited to persons applying to vote by proxy.

Regulation 56 (which sets the closing dates by which applications for an absent vote must be received by the registration officer in order to be effective for the purposes of a particular election) differs from the equivalent provision in the 1986 Regulations in that, in most cases, the closing date is now the sixth working day before the date of the poll. Regulation 57(6) enables a returning officer at a parliamentary election who is not the registration officer for a particular part of his constituency to be informed of applications which are granted before that date (when the lists referred to in regulation 61(3) are published). The remaining regulations in Part IV of these Regulations are in substance the same as the equivalent provisions in the 1986 Regulations.

Part V of these Regulations differs in a number of respects from Part V of the 1986 Regulations.

Regulation 71 is a new provision which is designed to ensure that, subject to special provision in paragraph (1) in respect of those entitled to vote by post for a definite or indefinite period, a postal ballot paper is issued as soon as practicable after the registration officer has granted the application. Since postal ballot papers will no longer be issued in batches, the provision about the persons entitled to attend the issue (regulation 67) has been amended to restrict the right to the returning officer and his staff.

Regulation 76 expands the existing provision as to the means by which postal ballot papers may be delivered to the voters. Regulation 78 is a new provision which allows postal ballot papers that have been lost in the post to be replaced.

Regulations 79, 87 and 88 are consequent on rule 45(1B) of the parliamentary elections rules, as inserted by Schedule 6 to the 2000 Act. This enables a postal ballot paper and a declaration of identity to be validly returned even if they are returned separately provided that they reach the returning officer or a polling station in the constituency in the manner provided by regulations before the close of the poll. Paragraphs (1) and (2) of regulation 79 prescribe the manner of return and regulations 87 and 88 provide the means of matching up postal ballot papers and declarations of identity that have been returned separately. The remaining regulations are in substance the same as those in Part V of the 1986 Regulations.



**Status:**

Point in time view as at 27/02/2022.

**Changes to legislation:**

Representation of the People (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 12 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.