
STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART I

GENERAL, INTERPRETATION AND MISCELLANEOUS

Citation, commencement and extent

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

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

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

1983 Act means the Representation of the People Act 1983(1);

1985 Act means the Representation of the People Act 1985(2);

2000 Act means the Representation of the People Act 2000(3);

[^{F1}“Article 89 GDPR purposes” means the purposes mentioned in Article 89(1) of [^{F2}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—

(1) 1983 c. 2.

(2) 1985 c. 50.

(3) 2000 c. 2.

Status: Point in time view as at 22/11/2021.

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(a) [^{F3}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;

[^{F4}“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;

[^{F5}“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;]

[^{F6}“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;]

[^{F1}“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]

[^{F7}“digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the [^{F8}Minister for the Cabinet Office] for the purpose of processing online applications under sections 10ZC and 10ZD of the 1983 Act [^{F9}, 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 ^{F10}...];]

[^{F6}“edited register” has the meaning given in regulation 92(1) below;]

^{F11} ...

^{F11} ...

[^{F6}“full register” has the meaning given in regulation 93(1) below;]

^{F12} ...

“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

[^{F13}“registration area” means the area for which a registration officer acts;]

“registration officer” means the electoral registration officer.

[^{F14}“relevant contact details” means—

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

[^{F15}“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.

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(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.

[^{F16}(3A) For the purposes of regulations 26, 26A, 26B, ^{F17}... ^{F18}... 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.]

(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 (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 34(2)(a)** (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)**

Status: Point in time view as at 22/11/2021.

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- 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)

- C1** [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)**

Commencement Information

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

Forms

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

- (a) [^{F19}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)

- C2** [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.

5.—^{F20}(1) The requirement in these Regulations that any [^{F21}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.

^{F22}(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).]

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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)**

Modifications etc. (not altering text)

- C3** 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

6.—(1) A requirement in these Regulations for an [^{F23}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)

- C4** Reg. 6 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 2(e)**

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Commencement Information

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

Copies of documents

7.—^[F24](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.

^[F25](2) Paragraph (1) does not apply to the full register.

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

- (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) ^[F26]13AB(2),] or 13B(3) ^[F27], (3B) or (3D)] of the 1983 Act altering the register.]

^[F28](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

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.

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(3) The days referred to in paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, ^{F29}... 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.

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)

C5 [Reg. 8](#) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 4](#)

C6 [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

^{F30}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

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.

^{F31}(2)

(3) [^{F32}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.

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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\(1\)](#)

Interference with notices etc.

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)

- C7** [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

12.—(1) The device referred to in rule 29(3A)(b) of the rules in Schedule 1 to the 1983 Act⁽⁵⁾ 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.

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

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Commencement Information

I11 Reg. 12 in force at 16.2.2001, see **reg. 1(1)**

Registration of European Parliamentary overseas electors

^{F33}**13.**

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)**)

Status:

Point in time view as at 22/11/2021.

Changes to legislation:

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