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*Status: Point in time view as at 01/08/2002.*

**Changes to legislation:** *Representation of the People (Scotland) Regulations 2001, Cross Heading: Service declarations is up to date with all changes known to be in force on or before 18 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)*

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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART II

#### SERVICE AND OVERSEAS ELECTORS' DECLARATIONS

##### *Service declarations*

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

**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.

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#### **Commencement Information**

**II** Reg. 14 in force at 16.2.2001, see [reg. 1\(1\)](#)

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

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

(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 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.

(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 of such a servant, the service declaration shall state—

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<sup>(1)</sup> Section 16 was amended by Schedule 1 to the 2000 Act.

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- (a) the name of the Government department (which, for the purposes of this paragraph, includes the Scottish Administration) in which that servant works, and
- (b) a description of the post of that servant.

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse of such an employee, the service declaration shall state a description of the post of that employee.

#### Commencement Information

**I2** Reg. 15 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Transmission of service declaration

**16.—(1)** A service declaration made by a member of the forces or his spouse shall be transmitted to the appropriate registration officer.

(2) A service declaration made by a person who is or will be a Crown servant or by his spouse shall be transmitted by the declarant to the Government department under which that person or his spouse is or will be employed or to an officer designated by that department and transmitted by that department or officer to the appropriate registration officer.

(3) A service declaration made by a person who is or will be a British Council employee or by his spouse shall be transmitted by the declarant to the British Council and transmitted by the British Council to the appropriate registration officer.

(4) In this regulation, the “appropriate registration officer” means 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<sup>(2)</sup>.

#### Commencement Information

**I3** Reg. 16 in force at 16.2.2001, see [reg. 1\(1\)](#)

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

**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<sup>(3)</sup> or, where appropriate, regulation 14 or 16 above,

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

#### Commencement Information

**I4** Reg. 17 in force at 16.2.2001, see [reg. 1\(1\)](#)

<sup>(2)</sup> Section 16(d) was amended by Schedule 1 to the 2000 Act.

<sup>(3)</sup> Sections 14 and 15 were amended by Schedule 1 to the 2000 Act.

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