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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.

[<sup>F1</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>F2</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;

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

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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 [<sup>F3</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>F4</sup>...
- (b) a description of the post of that servant [<sup>F5</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>F6</sup>or civil partner] of such an employee, the service declaration shall [<sup>F7</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

- F1** Reg. 15(1A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 10\(2\), 21](#)
- F2** 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\(2\)](#)
- F3** 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\(2\)](#)
- F4** 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\(a\)\(i\)](#)
- F5** 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\(a\)\(ii\)](#)
- F6** 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\(2\)](#)
- F7** 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)

- C1** 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

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

#### [<sup>F8</sup>Contents of service declaration: declarant with a service qualification under section 14(1A) of the 1983 Act

**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.

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(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,
- (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

**F8** Reg. 15A inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. [10\(3\)](#), [21](#)

#### [<sup>F9</sup>Transmission of service declaration

**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

**F9** 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

**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

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(b) does not comply with the requirements of sections 14 and 15 of the 1983 Act 1983(2) or, where appropriate, regulation 14 or 16 above,  
he shall return the declaration to the declarant setting out his reasons for so doing.

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**Commencement Information**

**I3** Reg. 17 in force at 16.2.2001, see [reg. 1\(1\)](#)

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

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