
STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART III

REGISTRATION

Determination of applications and objections

Procedure for determining applications for registration and objections without a hearing

29.—(1) A registration officer shall discharge his functions of determining an application for registration under section 10A(1) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act in accordance with this regulation and regulations 30 ^[F1]to 31A] below.

^[F2](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 of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

(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.

(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) ^[F3]Subject to paragraph (4A),] the registration officer may allow an application without a hearing provided that no objection is made within ^[F4]the period of five days beginning with the day following] the entry of the application in the list of applications.

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[^{F5}(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 ^{F6}...; and he shall so inform the objector.

[^{F7}(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.

[^{F8}(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

- F1** 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)**
- F2** [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)**
- F3** 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)**
- F4** 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)**
- F5** [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)**
- F6** 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)**
- F7** [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)**
- F8** [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)**

Commencement Information

- I1** [Reg. 29](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Notice of hearing

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

I2 Reg. 30 in force at 16.2.2001, see [reg. 1\(1\)](#)

Hearing of applications and objections

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

I3 Reg. 31 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F9}Objections relating to applications that have been allowed, but before alterations to register have taken effect

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

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- (c) no alteration to the register has yet taken effect in respect of that application by virtue of section 13(5), 13A(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.]

Textual Amendments

F9 Reg. 31A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **10**

[^{F10} Other determinations by registration officer of entitlement to registration

31B.—(1) A registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 31C to 31F.

- (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), and 15(2)(aa) of the 1983 Act, and
 - (ii) section 2(2)(aa) of the 1985 Act;
 - (b) determining under section 10A(5)(b) of the 1983 Act whether a person—
 - (i) was entitled to be registered;
 - (ii) has ceased to be resident at the address in respect of which he is entered in the register or otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

Textual Amendments

F10 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**

Summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration

31C.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 31B(2)(b)(ii) without following the procedure set out in regulations 31D to 31F.

- (2) The circumstances specified in this paragraph are where the registration officer—

- (a) has received an application under regulation 26 which includes a statement to which paragraph (1)(c) of that regulation refers;
 - (b) has received a notice under regulation 37;
 - (c) has been given information by the elector that he has ceased to reside at the address in question or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;
 - (d) has been notified by a relative or executor of the elector or by the Registrar General of Births, Deaths and Marriages for Scotland that the elector has died.
- (3) In paragraph (2)–
- “elector” means a person who is duly entered in a register in respect of an address;
 - “relative” means a spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Textual Amendments

F10 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**

Procedure for reviewing entitlement to registration

31D.—(1) A registration officer may, 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.
- (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 is not entitled to be registered 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.
- (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 or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

- (6) Paragraph (7) applies where–

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- (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.
- (7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person is entitled to be registered and the grounds for his opinion.
- (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 or, as the case may be, 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—
- “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

F10 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**

List of reviews

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

Textual Amendments

F10 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**

Hearings of reviews

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 or, as the case may be, 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

F10 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**

[^{F11}Anonymous registration: applications and declarations

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

- (a) the applicant's full name;
- (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

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(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

F11 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)

Anonymous registration: determination of applications by registration officer

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.

Textual Amendments

F11 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)

Anonymous registration: evidence consisting of relevant court orders or injunctions

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;
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
- [^{F12}(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;

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- (g) a non molestation order made under section 42(2) of the Family Law Act 1996 ^{F13};
- (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 ^{F14}(1) (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;
- (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.]
- (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

- F11** 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)
- F12** 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)**
- F13** 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**
- F14** 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)**

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Anonymous registration: evidence by attestation

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;
- (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) [^{F15}a police officer of or above the rank of superintendent] of any police force in England and Wales;
- (b) [^{F16}a police officer of or above the rank of superintendent] of [^{F17}the Police Service of Scotland];
- (c) [^{F18}a police officer of or above the rank of superintendent] 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 [^{F19};
- (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.]]

Textual Amendments

- F11** 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)
- F15** 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)**
- F16** 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)**
- F17** 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**
- F18** 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)**

F19 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)**

Registration appeals

- 32.**—^{F20}(1) This regulation makes provision in connection with the right of appeal—
- (a) under section 56(1)(a) of the 1983 Act, from the decision of a registration officer regarding an application for registration;
 - (b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31C to 31F that a person was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;
 - (c) under section 56(1)(ab) of the 1983 Act, from a determination of the registration officer under section 9B(2) of the 1983 Act, made in accordance with regulation 31H.]
- (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.

Textual Amendments

F20 Reg. 32(1) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **13**

Commencement Information

I4 Reg. 32 in force at 16.2.2001, see **reg. 1(1)**

^{F21}Representations regarding clerical errors

- 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.]

Status: Point in time view as at 19/12/2013.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Determination of applications and objections is up to date with all changes known to be in force on or before 24 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

- F21** 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)

Circumstances when the power in section 10A(5)(b) of the 1983 Act applies

^{F22}33.

Textual Amendments

- F22** 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

34.—(1) This regulation sets out the circumstances when a registration officer's duty to remove a person's entry from the register of parliamentary or local government electors under section 10A(6) of the 1983 Act(1) does not apply.

(2) Those circumstances are that—

(a) on the conclusion of a canvass under section 10 of the 1983 Act(2) the registration officer is unable to satisfy himself that a person duly entered in a register in respect of any address was, on the 15th October in question, resident at that address because—

- (i) the form mentioned in section 10(4) of that Act was not returned in respect of that address, or
(ii) for any other reason, insufficient information was obtained as to whether that person was resident at that address on that date;

(b) the registration officer has no information which suggests that that person is no longer so resident; and

[^{F23}(c) that person was registered at that address otherwise than in pursuance of—

- (i) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act, or
(ii) a declaration of local connection, a service declaration or an overseas elector's declaration.]

(3) Where the circumstances set out in this regulation apply, the registration officer is authorised to retain the entry of the person concerned in such a register for the period expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act(3) in the year next following that in which the canvass referred to in paragraph (2)(a) above was conducted.

Textual Amendments

- F23** Reg. 34(2)(c) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 14(2)

(1) Section 10A was inserted by Schedule 1 to the 2000 Act.
(2) Section 10 was substituted by Schedule 1 to the 2000 Act.
(3) Section 13 was substituted by Schedule 1 to the 2000 Act.

Commencement Information

I5 Reg. 34 in force at 16.2.2001, see [reg. 1\(1\)](#)

Registration officer's right to inspect certain records

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.
- (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

I6 Reg. 35 in force at 16.2.2001, see [reg. 1\(1\)](#)

Notices in connection with registration

36.—(1) A notice under section 13(3) of the 1983 Act⁽⁴⁾ 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) or 13B(3) [^{F24}, (3B) or (3D)] of that Act must be issued by—
- ^{F25}(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 [^{F26}regulation 31C(2)(d)] above, sending a copy of it to any person affected by its contents.

^{F27}(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..]

Textual Amendments

F24 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\(2\)](#)

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

Status: Point in time view as at 19/12/2013.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Determination of applications and objections is up to date with all changes known to be in force on or before 24 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)

- F25** 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
- F26** Words in reg. 36(2)(b) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 14(3)
- F27** 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)

Commencement Information

- I7** Reg. 36 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F28}Communication of notices made on polling day

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

- F28** 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

Notice by registration officer of a change of address

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.

(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

- I8** Reg. 37 in force at 16.2.2001, see [reg. 1\(1\)](#)

Status:

Point in time view as at 19/12/2013.

Changes to legislation:

Representation of the People (Scotland) Regulations 2001, Cross Heading: Determination of applications and objections is up to date with all changes known to be in force on or before 24 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.