
STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART III

REGISTRATION

Determination of applications and objections

[^{F1}Verification of information provided in an application

29ZA.—(1) On receipt of an application under section 10ZC or 10ZD of the 1983 Act made [^{F2}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 26(1)(a), (e) and (f) or under regulation 26A(1)(a), 26A(1)(b) and 26A(5) to the [^{F3}Chancellor of the Duchy of Lancaster] in such a format and through such a conduit system as the [^{F4}Chancellor of the Duchy] 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 [^{F5}Chancellor of the Duchy of Lancaster] may disclose the information to the Secretary of State.

(3) Where information has been disclosed to the Secretary of State under paragraph (2), the Secretary of State may compare it against—

- (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 may disclose the results of the comparison to the [^{F6}Chancellor of the Duchy of Lancaster].

(5) On receipt of such results, the [^{F7}Chancellor of the Duchy of Lancaster] may disclose them to the registration officer in whose register the applicant has applied to be registered.

(6) Where the [^{F8}Chancellor of the Duchy of Lancaster] does so, the registration officer must take the results into account in determining the application.

(7) In this regulation—

- (a) “conduit system” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984;

Status: Point in time view as at 22/06/2015.

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- (b) “the Secretary of State” means the Secretary of State for the Department for Work and Pensions.

Textual Amendments

- F1** 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**
- F2** Words in reg. 29ZA(1) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **4**
- F3** Words in reg. 29ZA(1) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(d)** (with art. 9)
- F4** Words in reg. 29ZA(1) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(3)(a)** (with art. 9)
- F5** Words in reg. 29ZA(2) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(d)** (with art. 9)
- F6** Words in reg. 29ZA(4) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(d)** (with art. 9)
- F7** Words in reg. 29ZA(5) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(d)** (with art. 9)
- F8** Words in reg. 29ZA(6) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(d)** (with art. 9)

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

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—

- (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 ^{F9}Chancellor of the Duchy of Lancaster] 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 ^{F10}Chancellor of the Duchy] 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

- F1** 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**
- F9** Words in reg. 29ZB(7) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(e)** (with art. 9)
- F10** Words in reg. 29ZB(8) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(3)(b)** (with art. 9)

Procedure for determining applications for registration and objections without a hearing

29.—(1) A registration officer shall discharge his functions of determining ^{F11}an 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 ^{F12}to 31A] below.

^{F13}(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 ^{F14}and nationality] of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

^{F15}(2AA) The registration officer must acknowledge receipt of an application to register other than an application made in response to an invitation to register under section 9E(1) of the 1983 Act by notification in writing to the address in respect of which the applicant applies to be registered, on receipt of that application.

(2AB) An acknowledgement under paragraph (2AA) must contain a direction requesting that any person who receives the acknowledgement inform the registration officer if the addressee is not resident at that address.

Status: Point in time view as at 22/06/2015.

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 27 June 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)

(2AC) The registration officer must give confirmation that an application made in response to an invitation to register under section 9E(1) of the 1983 Act has been successful, by notification in writing, before either—

- (a) publication of the revised register to which the applicant will be added under section 13(1) of that 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.

(2AD) In the case of an application to register in pursuance of a service declaration, or an overseas elector's declaration, the address to which notification in writing must be given in accordance with paragraph (2AA) or (2AC) is the address the applicant has given under regulation 26(4)(a) or 26(5)(b), as appropriate.

(2AE) The Electoral Commission must—

- (a) design the forms of notification to be used under paragraphs (2AA) and (2AC);
- (b) obtain the approval of the ^{F16}Chancellor of the Duchy of Lancaster] to the forms; and
- (c) then make them available to registration officers.]

(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) ^{F17}Subject to paragraph (4A),] the registration officer may allow an application without a hearing provided that no objection is made within ^{F18}the period of five days beginning with the day following] the entry of the application in the list of applications.

^{F19}(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 ^{F20}...; and he shall so inform the objector.

^{F21}(5A) The registration officer may disallow ^{F21}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.]

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(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.

[^{F22}(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

- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** Reg. 29(2AA)-(2AE) 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(c)**
- F16** Words in reg. 29(2AE)(b) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(f)** (with art. 9)
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** 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—

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- (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\(1\)](#)

^{F23}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
 - (c) no alteration to the register has yet taken effect in respect of that application by virtue of section 13(5), 13A(2) [^{F24}13AB(2),] or 13B(3) of the 1983 Act.
- (2) Where the registration officer—

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- (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

- F23** Reg. 31A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **10**
- F24** 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**

[^{F25}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.

[^{F26}(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

- F25** 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**
- F26** 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**

Status: Point in time view as at 22/06/2015.

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 27 June 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)

[^{F27}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 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 either—

- (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;
 - (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.

(3) In this regulation “elector” means a person who is duly entered in a register in respect of an address.]

Textual Amendments

- F25** 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**
- F27** 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**

Procedure for reviewing entitlement to registration

31D.—(1) A registration officer [^{F28}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.
- (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 [^{F29}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.

(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 [^{F30}, 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, [^{F31}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.

(7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person [^{F32}is or was entitled to be registered, or that the person'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 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 [^{F33}, 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, [^{F34}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—

“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

F25 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**

F28 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)**

Status: Point in time view as at 22/06/2015.

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- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** Words in reg. 31D(7) 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(5)**
- F33** 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)**
- F34** 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

- 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

- F25** 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 [^{F35}, 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, [^{F36}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

- F25** 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**
- F35** 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)**
- F36** 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)**

[^{F37} **Determinations of entitlement to remain registered during the annual canvass**

31FA. 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 31F so as to enable the relevant determination to be made before the registration officer publishes a revised version of the register under section 13(1)(a) of the 1983 Act.]

Textual Amendments

- F37** 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**

[^{F38} **Anonymous registration: applications and declarations**

- 31G.—**(1) An application for an anonymous entry must state—
- the applicant's full name;
 - the address given in accordance with regulation 26(1)(b);
 - the reason for the application; and
 - 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—

Status: Point in time view as at 22/06/2015.

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 27 June 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 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

F38 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)

C1 [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**

C2 [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

- 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

F38 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)

C3 [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**

C4 [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

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;
 - [^{F39}(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 [^{F40};
 - (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
 - ^{F41}(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;
 - (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.]

Status: Point in time view as at 22/06/2015.

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 27 June 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 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

- F38** 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)
- F39** 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)**
- F40** 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**
- F41** 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)**

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) [^{F42}a police officer of or above the rank of superintendent] of any police force in England and Wales;
- (b) [^{F43}a police officer of or above the rank of superintendent] of [^{F44}the Police Service of Scotland];
- (c) [^{F45}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;

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- (i) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970 ^[F46];
- (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

- F38** 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)
- F42** 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)**
- F43** 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)**
- F44** 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**
- F45** 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)**
- F46** 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.—^[F47](1) 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.

Textual Amendments

- F47** 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**

Status: Point in time view as at 22/06/2015.

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 27 June 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

I4 Reg. 32 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F48}Annual canvass

32ZA.—(1) The annual canvass required by section 9D(1) of the 1983 Act must be conducted in accordance with the following paragraphs.

- (2) The Electoral Commission must—
 - (a) design a canvass form;
 - (b) obtain the approval of the [^{F49}Chancellor of the Duchy of Lancaster] to the form; and
 - (c) then make the form available to registration officers.
- (3) The canvass form in paragraph (2) must—
 - (a) require the full name and nationality of each person aged 16 and over who is eligible to register and is residing at the address to which the form is given;
 - (b) require an indication as to whether—
 - (i) there is no one residing at the address;
 - (ii) the address is solely of business premises;
 - (iii) none of the people residing at the address is entitled to be registered by reason of their nationality, together with a statement of their nationalities;
 - (iv) none of the people residing at the address is entitled to be registered for any reason other than their nationality and a statement of why they are not so entitled;
 - (c) include space for a bar code, local authority reference number and security code unique to each form;
 - (d) include a statement that 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, must provide the required information to the registration officer for the area which includes the address to which the form was delivered, and the manner in which the recipient may do so;
 - (e) include an explanation of the requirements for entitlement to register to vote and state that this form is not an application to register;
 - [^{F50}(f) include a statement that the information provided in response to the form will be processed in accordance with the Data Protection Act 1998;]
 - (g) include a statement that failure to provide the information required by the canvass form to the registration officer may be an offence and a statement of the maximum penalty for that offence;
 - (h) include a statement that it is an offence to provide false information to the registration officer, and a statement of the maximum penalty for that offence;
 - (i) include a [^{F51}... declaration that the information provided is true, to be made by a named person at the address to which the form is given and includes an indication, if the person who is [^{F52}making the declaration] is not resident at the address, of the capacity in which [^{F53}they are making it];
 - (j) include space for the email address and telephone number or numbers of each person residing at the address who is entitled to register to vote and an explanation that provision of this information is not mandatory;

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 27 June 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)

- (k) include space for the registration officer to provide local authority information and details of how the registration officer may be contacted;
 - (l) include the web site address of the digital service; and
 - (m) require the date of completion of the form.
- (4) Each registration officer must send a canvass form in the form designed by the Electoral Commission to each residential address in the area for which the officer acts and the canvass form must be accompanied by a pre-addressed reply envelope, the postage of which has been prepaid.
- (5) Before sending a canvass form under paragraph (4), the registration officer must, if practicable, print on the form any information required by the canvass form which the officer already holds in respect of each person who is registered at the address to which the canvass form is provided, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act.
- (6) Where the registration officer has printed on the canvass form information in accordance with paragraph (5) the registration officer must include on the canvass form—
- (a) an explanation of what the edited register is, using the short version of the form of words, which is prescribed in regulation 47 of, and Schedule 3 to, the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013;
 - (b) an indication of whether the name and address of each person, who is currently registered as an elector in respect of that address, are omitted from the edited register; and
 - (c) an indication that the person should contact their registration officer if they wish to request that their name and address be included in or omitted from the edited register, as the case may be, and an explanation that return of the canvass form will not constitute a request for the purpose of regulation 93A.

Textual Amendments

- F48** 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)
- F49** Words in reg. 32ZA(2)(b) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(g)** (with art. 9)
- F50** Reg. 32ZA(3)(f) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **5**
- F51** Word in reg. 32ZA(3)(i) omitted (4.3.2015) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **6(a)**
- F52** Words in reg. 32ZA(3)(i) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **6(b)**
- F53** Words in reg. 32ZA(3)(i) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **6(c)**

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

32ZB.—(1) If a registration officer has sent an annual canvass form to an address but has not received information in response to the annual canvass form in respect of that address within a reasonable time of sending the form, the officer must send a second canvass form to that address.

(2) If no information in response is received in respect of a second form sent under paragraph (1) within a reasonable time of sending the second form, the registration officer must send a third canvass form to that address.

Status: Point in time view as at 22/06/2015.

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 27 June 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) A registration officer may visit the address at any stage in order to obtain the information required by the canvass form and must make or have made one visit if no information has been received in response to a third canvass form sent under paragraph (2).

(4) The second and third canvass forms, if required, must be in the same form as the first canvass form.

(5) The registration officer must take the steps required by paragraphs (1) to (3) before publishing a revised register under section 13(1)(a) of the 1983 Act.

(6) This regulation does not apply where a registration officer, having inspected records under regulation 35, concludes that there is no-one residing at the address or that the address is solely of business premises.

Textual Amendments

F48 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)

Invitations to apply for registration

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

- (a) design an invitation to apply for registration;
- (b) obtain the approval of the ^{F54}Chancellor of the Duchy of Lancaster] to the invitation; and
- (c) then make the invitation available to registration officers.

(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; and
- (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.

(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.

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 27 June 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** 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)
- F54** Words in reg. 32ZC(1)(b) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 21(2)(h)** (with art. 9)

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

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.

(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 at 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;
- (b) in pursuance of a declaration of local connection, service declaration or overseas elector's declaration; or
- (c) with an anonymous entry.

Textual Amendments

- F48** 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)

Requiring a person to make an application for registration

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—

Status: Point in time view as at 22/06/2015.

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 27 June 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)

- (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 at 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 sub-paragraph (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 sub-paragraph (a), inform the registration officer of that fact and provide that address, and the person is not required to make an application for registration;
 - (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.
- (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 at 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

F48 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)

Notice of Civil Penalty

32ZF.—(1) The amount of the civil penalty, which a registration officer may impose under section 9E(7) of the 1983 Act, is £80.

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 27 June 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 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—

- (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

F48 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

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 at 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.

Status: Point in time view as at 22/06/2015.

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 27 June 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 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

F48 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)

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

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

F48 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)

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 27 June 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)

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

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.]

Textual Amendments

F48 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)

[^{F55}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.]

Textual Amendments

F55 [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

^{F56}**33.**

Textual Amendments

F56 [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

^{F57}**34.**

Textual Amendments

F57 [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

Status: Point in time view as at 22/06/2015.

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 27 June 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)

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

I5 Reg. 35 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F58}Disclosure of certain local authorities' records

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

F58 [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

36.—(1) A notice under section 13(3) of the 1983 Act⁽¹⁾ 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) [^{F59}13AB(2),] or 13B(3) [^{F60}, (3B) or (3D)] of that Act must be issued by—

- [^{F61}(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;

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

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 27 June 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)

- (aa) supplying copies of it in accordance with Part VI of these Regulations;]
- (b) except in a case falling within [F62 regulation 31C(2)(b)(ii) or (iii)] above, sending a copy of it to any person affected by its contents.
- [F63(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

- F59** 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**
- F60** 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)**
- F61** 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**
- F62** Words in reg. 36(2)(b) substituted (4.3.2015) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **8**
- F63** 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

- I6** Reg. 36 in force at 16.2.2001, see [reg. 1\(1\)](#)

[F64 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

- F64** [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.

Status: Point in time view as at 22/06/2015.

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 27 June 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

I7 Reg. 37 in force at 16.2.2001, see [reg. 1\(1\)](#)

Status:

Point in time view as at 22/06/2015.

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 27 June 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.