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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART III

### REGISTRATION

#### *Determination of applications and objections*

#### **[<sup>F1</sup>Verification of information provided in an application**

**29ZA.**—(1) On receipt of an application under section 10ZC or 10ZD of the 1983 Act made [<sup>F2</sup>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 [<sup>F3</sup>26 or 26A] to the [<sup>F4</sup>Minister for the Cabinet Office] in such a format and through such a conduit system as the [<sup>F5</sup>Minister for the Cabinet Office] 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 [<sup>F6</sup>Minister for the Cabinet Office] 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 [<sup>F7</sup>Minister for the Cabinet Office].

(5) On receipt of such results, the [<sup>F7</sup>Minister for the Cabinet Office] may disclose them to the registration officer in whose register the applicant has applied to be registered.

(6) Where the [<sup>F7</sup>Minister for the Cabinet Office] does so, the registration officer must take the results into account in determining the application.

[<sup>F8</sup>(6A) In relation to the registration of local government electors, this regulation does not apply to an application made by a person under the age of 16.]

(7) In this regulation—

*Status: Point in time view as at 01/12/2020.*

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- (a) “conduit system” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984;
- (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 (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **5**
- F4** Words in reg. 29ZA(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(2)(d)** (with art. 12)
- F5** Words in reg. 29ZA(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(3)(a)** (with art. 12)
- F6** Words in reg. 29ZA(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(2)(d)** (with art. 12)
- F7** Words in reg. 29ZA(4)-(6) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(2)(d)** (with art. 12)
- F8** Reg. 29ZA(6A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 5(5)**, 21

#### 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.

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(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 [<sup>F9</sup>Minister for the Cabinet Office] 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 [<sup>F10</sup>Minister for the Cabinet Office] 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 (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(2)(e)** (with art. 12)
- F10** Words in reg. 29ZB(8) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(3)(b)** (with art. 12)

#### Procedure for determining applications for registration and objections without a hearing

**29.**—(1) A registration officer shall discharge his functions of determining [<sup>F11</sup>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 [<sup>F12</sup>to 31A] below.

[<sup>F13</sup>(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 [<sup>F14</sup>and nationality] of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

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[<sup>F15</sup>(2AA) Where an application for registration has been made and that application is successful, the registration officer must give confirmation in writing to the applicant of that fact, before either—

- (a) publication of the revised register to which the applicant will be added under section 13(1) of the 1983 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.

(2AB) Where confirmation is given under paragraph (2AA) in relation to an application for registration made in response to an invitation to register under section 9E(1) of the 1983 Act, the registration officer must give that confirmation either—

- (a) by delivering it to the applicant, leaving it at the applicant's address or sending it to the applicant's address by post; or
- (b) by electronic means.

(2AC) Where confirmation is given under paragraph (2AA) in relation to an application for registration made other than in response to an invitation to register under section 9E(1) of the 1983 Act—

- (a) the registration officer must give confirmation by delivering it to the applicant, by leaving it at their address or by sending it to them by post; and
- (b) the confirmation must give the registration officer's contact details and must request that any person who receives that confirmation inform the registration officer if the applicant is not resident at the address in respect of which the application was made.

(2AD) A confirmation given under paragraph (2AA) must—

- (a) contain the date on which the applicant's name will be published in the revised register under section 13(1) or in a notice of alteration under section 13A(2) of the 1983 Act; and
- (b) where—
  - (i) the registration officer has information that the applicant is registered in respect of a different address from the one in respect of which they have applied to be registered; and
  - (ii) in their application for registration, the applicant has identified that address as being an address at which they have ceased to reside in accordance with regulation 26(1)(c);

inform the applicant that their entry relating to that address will be removed from the register under section 10ZE(2) of the 1983 Act.

(2AE) In the case of an application to register in pursuance of a service declaration, or an overseas elector's declaration, the address to be used for the purposes of paragraph (2AB)(a) or (2AC)(a) is the address the applicant has given under regulation 26(4)(a) or 26(5)(b), as appropriate.

(2AF) The Electoral Commission must—

- (a) design the forms of confirmation to be used under paragraph (2AA);
- (b) obtain the approval of the [<sup>F16</sup>Minister for the Cabinet Office] to the forms; and
- (c) then make them available to registration officers.]

[<sup>F17</sup>(2AG) Before giving approval for the purposes of sub-paragraph (2AF)(b), the Minister for the Cabinet Office must consult the Scottish Ministers.]

(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) [<sup>F18</sup>Subject to paragraph (4A),] the registration officer may allow an application without a hearing provided that no objection is made within [<sup>F19</sup>the period of five days beginning with the day following] the entry of the application in the list of applications.

[<sup>F20</sup>(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 <sup>F21</sup>...; and he shall so inform the objector.

[<sup>F22</sup>(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.

[<sup>F23</sup>(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)**

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- 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)-(2AF) substituted for reg. 29(2AA)-(2AE) (2.12.2015) by The Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1966), regs. 1, **6(1)** (with reg. 6(2))
- F16** Words in reg. 29(2AF)(b) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 34(2)(f)** (with art. 12)
- F17** Reg. 29(2AG) inserted (18.5.2017) by The Scotland Act 2016 (Consequential and Saving Provisions) Regulations 2017 (S.I. 2017/602), regs. 1, **6**
- F18** 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)**
- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** 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)**
- F23** 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)**

#### Modifications etc. (not altering text)

- C1** Reg. 29(4) modified (31.10.2019) by Early Parliamentary General Election Act 2019 (c. 29), **ss. 1(4), 2(1)**

#### 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\(1\)](#)

## [<sup>F24</sup>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) [<sup>F25</sup>13AB(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.]



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### Textual Amendments

- F24** Reg. 31A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **10**
- F25** 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**

### [<sup>F26</sup>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 [<sup>F27</sup>31FZA].

[<sup>F28</sup>(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

- F26** 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** Word in reg. 31B(1) substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **7(1)** (with reg. 7(3))
- F28** 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**

### [<sup>F29</sup>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 <sup>F30</sup>...—

- (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 [<sup>F31</sup>; or]

[<sup>F32</sup>(c) the registration officer has not received the information referred to in paragraph (2)(b)(ii) or (iii) but—

- (i) has determined that the elector has died after inspecting records kept by—
  - (aa) the council by which the registration officer was appointed; or
  - (bb) a person providing services to, or authorised to exercise any function of, that council;
- (ii) has received information from the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector, which allows the registration officer to determine that the elector has died;
- (iii) has received information as a result of the annual canvass required by section 9D of the 1983 Act, which allows the registration officer to determine that the elector has died; or
- (iv) has received information from a person managing a care home where the elector was resident, which allows the registration officer to determine that the elector has died.]

[<sup>F33</sup>(2A) The information referred to in paragraph (2)(c)(ii) and (iv) may be provided in person, by telephone or in writing and must include—

- (a) the full name and address of the elector who has died;
- (b) the full name and address of the person providing the information and, in the case of information received under paragraph (2)(c)(ii), that person's relationship to the elector; and
- (c) a statement that the person providing the information is aware of the penalty for providing false information to a registration officer.

(2B) Where the information referred to in paragraph (2)(c)(ii) and (iv) has been provided in person or by telephone by virtue of paragraph (2A), the registration officer must record that information in writing or in data form.]

[<sup>F34</sup>(3) In this regulation—

“care home” means a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010 and “care home service” has the meaning given to it by paragraph 2 of schedule 12 of that Act;

“elector” means a person who is duly entered in a register in respect of an address.]]

#### Textual Amendments

**F26** 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**

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- F29** 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**
- F30** Word in reg. 31C(2) omitted (1.7.2018) by virtue of The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **4(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(a)** (with reg. 1(4))
- F31** Word in reg. 31C(2)(b) inserted (1.7.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **4(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(b)** (with reg. 1(4))
- F32** Reg. 31C(2)(c) inserted (1.7.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **4(c)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(c)** (with reg. 1(4))
- F33** Reg. 31C(2A)(2B) inserted (1.7.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **4(c)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(c)** (with reg. 1(4))
- F34** Reg. 31C(3) substituted (1.7.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(3), **4(d)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **4(d)** (with reg. 1(4))

### Procedure for reviewing entitlement to registration

**31D.**—(1) A registration officer [<sup>F35</sup>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.

[<sup>F36</sup>(3A) In relation to the registration of local government electors, paragraph (2)(b) does not apply where the subject of the review is under the age of 16.]

(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 [<sup>F37</sup>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.

[<sup>F38</sup>(4A) A notice specified for the purposes of paragraph (4)(a) must also state that—

- (a) where the subject of the review does not notify the registration officer within 14 days beginning with the date of the notice that the subject requires the review to be heard, the registration officer may determine the review and remove the subject's entry from the register;

**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 16 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)

- (b) the subject of the review would not be entitled to a right of appeal against the registration officer's determination in the circumstances described in sub-paragraph (a); and
- (c) after 14 days beginning with the date of the notice, the subject of the review can contact the registration officer to find out if the registration officer has removed the subject's entry from the register.]

(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 [<sup>F39</sup>, 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, [<sup>F40</sup>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.

[<sup>F41</sup>(7) The registration officer may send a notice to the subject of the review which states that—

- (a) the registration officer is not satisfied that the subject of the review is or was entitled to be registered, or that the subject'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 the registration officer's opinion;
- (b) if, within 14 days beginning with the date of the notice, the subject of the review does not require the review to be heard, the registration officer may determine the review and remove the subject's entry from the register;
- (c) the subject of the review would not be entitled to a right of appeal against the registration officer's determination in the circumstances described in sub-paragraph (b); and
- (d) after 14 days beginning with the date of the notice, the subject of the review can contact the registration officer to find out if the registration officer has removed the subject's entry from the register.]

(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 [<sup>F42</sup>, 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, [<sup>F43</sup>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—

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“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

- F26** 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** 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)**
- F36** Reg. 31D(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **6(2)**, 21
- F37** 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)**
- F38** Reg. 31D(4A) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **5(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **5(a)** (with reg. 1(4))
- F39** 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)**
- F40** 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)**
- F41** Reg. 31D(7) substituted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **5(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **5(b)** (with reg. 1(4))
- F42** 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)**
- F43** 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.

[  
<sup>F44</sup>(5) In relation to the registration of local government electors, this regulation does not apply to any review where the subject of the review is under the age of 16.]

#### Textual Amendments

- F26** 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**
- F44** Reg. 31E(5) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **6(3)**, 21

#### 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 [<sup>F45</sup> 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, [<sup>F46</sup> 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

- F26** 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**
- F45** 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)**
- F46** 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)**

#### [<sup>F47</sup> Notification of outcome of reviews

**31FZA.**—(1) Where the registration officer is required to send to the subject of the review a notice under regulation 31D(2) and the subject of the review has required the review to be heard or has made representations to the registration officer, the registration officer must notify the subject of the review in writing of its outcome and when doing so—

- (a) state whether there is a right of appeal under section 56(1)(azd) or (aa) of the 1983 Act;

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- (b) specify the time within which any notice of appeal under that section must be given (in accordance with regulation 32(2)); and
- (c) provide such other information about the appeal that the registration officer considers necessary.

(2) Where the registration officer is required to send to the subject of the review a notice under regulation 31D(2) and the subject of the review has not required that the review be heard, or has not made any representations to the registration officer, the registration officer may notify the subject of the review of its outcome and when doing so state that there is no right of appeal of that decision.]

#### Textual Amendments

**F47** Reg. 31FZA substituted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **6** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **6** (with reg. 1(4))

#### [<sup>F48</sup> **Determinations of entitlement to remain registered during the annual canvass**

##### **31FA.—[**

<sup>F49</sup>(1)] 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 [<sup>F50</sup>31FZA] so as to enable the relevant determination to be made [<sup>F51</sup>, and the subject of the review to be notified of the outcome of the determination,] before the registration officer publishes a revised version of the register under section 13(1)(a) of the 1983 Act.

[  
<sup>F52</sup>(2) This regulation does not apply where under regulation 31C(2)(c)(iii) a registration officer has received information as a result of the annual canvass which allows the registration officer to determine that the elector has died.]]

#### Textual Amendments

**F48** 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**

**F49** Reg. 31FA renumbered as reg. 31FA(1) (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **7(a)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **7(a)** (with reg. 1(4))

**F50** Word in reg. 31FA substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **8(a)**

**F51** Words in reg. 31FA inserted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **8(b)**

**F52** Reg. 31FA(2) inserted (1.7.2018) by [The Representation of the People \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/89\)](#), regs. 1(3), **7(b)** (with reg. 1(4)); S.I. 2018/427, regs. 1(3), **7(b)** (with reg. 1(4))

#### [<sup>F53</sup> **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
    - (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**

**F53** 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)**

- 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, **3**
- C3** [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.



**Status:** Point in time view as at 01/12/2020.

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### Textual Amendments

**F53** 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)

**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, **4**

**C5** [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 [<sup>F54</sup>or section 360 of the Sentencing Code];
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
- [<sup>F55</sup>(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 [<sup>F56</sup>;
- (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 [<sup>F57</sup>(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;

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- (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.]
  - [ a domestic violence protection order made under section 28 of the Crime and Security <sup>F58</sup>(r) Act 2010 or section 97 of, and paragraph 5 of Schedule 7 to, the Justice Act (Northern Ireland) 2015;
  - (s) a female genital mutilation protection order made under section 5A of, and paragraphs 1 or 18 of Schedule 2 to, the Female Genital Mutilation Act 2003.]
- (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

- F53** 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)
- F54** Words in reg. 31I(3)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 330** (with Sch. 27); S.I. 2020/1236, reg. 2
- F55** 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)**
- F56** 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**
- F57** 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)**
- F58** Reg. 31I(3)(r)(s) inserted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **8** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **8**

#### 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;

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- (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) [<sup>F59</sup>a police officer of or above the rank of [<sup>F60</sup>inspector]] of any police force in England and Wales;
  - (b) [<sup>F61</sup>a police officer of or above the rank of [<sup>F62</sup>inspector]] of [<sup>F63</sup>the Police Service of Scotland];
  - (c) [<sup>F64</sup>a police officer of or above the rank of [<sup>F65</sup>inspector]] 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 [<sup>F66</sup>;
  - (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.]
- [ any registered medical practitioner;
- <sup>F67</sup>(l)
- (m) any registered nurse or midwife;
  - (n) any person who manages a refuge.]
- [
- <sup>F68</sup>(4A) In this regulation “refuge” means accommodation together with a planned programme of therapeutic and practical support for victims of, or those at risk of, domestic abuse or violence.]
- [
- <sup>F69</sup>(5) In relation to the registration of local government electors, where the applicant is under the age of 16 on the date on which the application is made—
- (a) “qualifying officer” also includes a person authorised in writing for the purposes of this regulation by an officer referred to in paragraph (4)(f), and
  - (b) where the attestation is signed by a person so authorised, the attestation must be accompanied by a copy of the person's authorisation.]]

#### Textual Amendments

**F53** 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)

**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 16 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)

- F59** 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)**
- F60** Word in reg. 31J(4)(a) substituted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(a)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(a)**
- F61** 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)**
- F62** Word in reg. 31J(4)(b) substituted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(a)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(a)**
- F63** 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**
- F64** 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)**
- F65** Word in reg. 31J(4)(c) substituted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(a)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(a)**
- F66** 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)**
- F67** Reg. 31J(4)(l)-(n) inserted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(b)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **9(b)**
- F68** Reg. 31J(4A) inserted (1.4.2018) by The Representation of the People (Scotland) Amendment Regulations 2018 (S.S.I. 2018/89), regs. 1(2), **9(c)** (with reg. 1(4)) and The Representation of the People (Scotland) (Amendment) Regulations 2018 (S.I. 2018/427), regs. 1(2), **10**
- F69** Reg. 31J(5) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 7, 21**

## Registration appeals

**32.**—<sup>[F70]</sup>(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.

**Status:** Point in time view as at 01/12/2020.

**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 16 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**

**F70** 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

**Commencement Information**

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

**Annual canvass: register of local government electors**

<sup>F71</sup>**32ZA.** . . . . .

**Textual Amendments**

**F71** Reg. 32ZA revoked (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), 5

**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**

<sup>F72</sup>**32ZB.** . . . . .

**Textual Amendments**

**F72** Reg. 32ZB revoked (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), 6

<sup>F73</sup>[<sup>F74</sup> **Annual canvass**

**32ZBA.**—(1) Before conducting the annual canvass required by section 9D(1) of the 1983 Act, each registration officer must comply with paragraph (1) of regulation 32ZBB in respect of a register <sup>F75</sup> . . . . .

(2) Each registration officer must conduct the annual canvass in respect of a residential address in the area for which they are responsible in accordance with regulation 32ZBD, for the purposes of a register <sup>F76</sup> . . . . .

(3) The obligation in paragraph (2) does not apply in a case described in paragraph (4) or (5) (but see paragraph (6)).

(4) The first case is where—

(a) having taken into account the information described in paragraph (7), the registration officer—

(i) is satisfied that it is not necessary to remove a person registered at the address from a register <sup>F77</sup> . . . . ; and

(ii) has no reason to believe that any addition may be required to such a register in respect of the address; and

(b) having proceeded to conduct the annual canvass in accordance with regulation 32ZBE—

(i) the registration officer remains satisfied as to the matters in sub-paragraph (a); or

- (ii) in circumstances where the registration officer has reason to believe that—
  - (aa) it may be necessary to remove a person registered at that address from a register <sup>F77</sup>...; or
  - (ba) a person who resides at the address may be entitled to be added to such a register,  
the registration officer is aware of that person’s name.
- (5) The second case is where—
  - (a) the address is in respect of a property to which regulation 32ZBF(2) applies;
  - (b) the registration officer has—
    - (i) identified a responsible person in respect of that property within the meaning of regulation 32ZBF(8); and
    - (ii) attempted to make contact with the responsible person in accordance with regulation 32ZBF(5) [<sup>F78</sup>or (5A)]; and
  - (c) the responsible person has, within a reasonable time of the registration officer making that attempt, communicated the information described in regulation 32ZBF(5)(a) to (c) to the officer.
- (6) Where any of the information described in paragraph (7) or taken into account in accordance with paragraph (8) indicates that only persons under the age of 18 are registered at an address <sup>F79</sup>..., the registration officer must conduct the annual canvass in respect of that address in accordance with regulation 32ZBD.
- (7) The information in this paragraph is—
  - (a) the results of the data comparison described in regulation 32ZBB, where disclosed to the registration officer by the Minister for the Cabinet Office in accordance with paragraph (6) of that regulation; and
  - (b) any information which the registration officer may hold following the determination of an application under section 10ZC(1) or 10ZD(1) of the 1983 Act in respect of a person—
    - (i) whose name has not yet been published in a notice of alteration under section 13A(2) of that Act; or
    - (ii) excluded from the data comparison described in regulation 32ZBB by virtue of paragraph (7) of that regulation.
- (8) In determining whether either of the cases described in paragraphs (4) or (5) is made out, the registration officer may take into account any other information which the officer may hold in writing or in data form for the purposes of the officer’s registration duties <sup>F80</sup>..., or any information which that officer may inspect for those purposes.

#### Textual Amendments

- F73** 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**)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F75** Words in reg. 32ZBA(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **7(a)**
- F76** Words in reg. 32ZBA(2) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **7(a)**



**Status:** Point in time view as at 01/12/2020.

**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 16 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)

- F77** Words in reg. 32ZBA(4) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(a)**
- F78** Words in reg. 32ZBA(5)(b)(ii) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(b)**
- F79** Words in reg. 32ZBA(6) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(c)**
- F80** Words in reg. 32ZBA(8) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **7(c)**

### Annual canvass data matching

**32ZBB.**—(1) Subject to paragraphs (7) and (8), each registration officer must disclose to the Minister for the Cabinet Office the matching data in respect of each person aged 16 or over who is registered in a register <sup>F81</sup>... maintained by that registration officer.

(2) The matching data must be disclosed in such format and through such an infrastructure system as the Minister for the Cabinet Office may have notified to the registration officer in writing.

(3) Following receipt of the matching data from the registration officer, the Minister for the Cabinet Office may disclose that data to the Secretary of State.

(4) Where matching data has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against information appearing in the following types of database kept by the Secretary of State—

- (a) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities (Northern Ireland)); and
- (b) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty’s Revenue and Customs).

(5) The Secretary of State may disclose the results of the data comparison to the Minister for the Cabinet Office.

(6) On receipt of such results, the Minister for the Cabinet Office may disclose them to the registration officer in whose register the person concerned is registered.

(7) Where—

- (a) a registration officer has successfully determined a person’s application under section 10ZC(1) or 10ZD(1) of the 1983 Act at any time during the 90 day period ending with the day before the day on which the registration officer proposes to commence disclosure of matching data in accordance with paragraph (1); and
- (b) that person’s entry on the register has been published in a notice of alteration under section 13A(2) of the 1983 Act,

the registration officer may disclose matching data for that person to the Minister for the Cabinet Office but is not required to do so.

(8) Where a person falls within the scope of section 9D(6) of the 1983 Act the registration officer must not disclose that person’s matching data under paragraph (1).

(9) In this regulation—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;

“matching data” means—

- (a) a person’s full name;
- (b) where held by the registration officer, a person’s date of birth;



**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 16 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)

- (c) the address, including postcode, of the property at which a person is registered;
  - (d) where held by the registration officer, the unique property reference number of the property at which a person is registered; and
  - (e) any other information held by the registration officer which relates to a person's entry on the register and which the Minister for the Cabinet Office may have specified in writing;
- “the Secretary of State” means the Secretary of State for the Department for Work and Pensions.

#### Textual Amendments

- F73** 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**)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F81** Words in reg. 32ZBB(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **8**

#### Processing of information in connection with annual canvass data matching

**32ZBC.**—(1) Information disclosed under regulation 32ZBB may not be disclosed to any other person, except—

- (a) so that it may be taken into account by a registration officer for the purposes of determining whether the annual canvass may be conducted otherwise than in accordance with regulation 32ZBD in respect of a register <sup>F82</sup>...;
- (b) for the purpose of any civil or criminal proceedings.

(2) A person who discloses information in breach of paragraph (1) 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, or both.

(3) Any person who processes information under regulation 32ZBB must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office, including requirements as to the transfer, storage, destruction and security of that information.

(4) Where a registration officer processes the results of the data matching for the purposes of determining whether the officer may conduct the annual canvass required by section 9D(1) of the 1983 Act otherwise than in accordance with regulation 32ZBD, the officer must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office in relation to the register of parliamentary electors.

(5) Where the Minister for the Cabinet Office imposes requirements as to processing under paragraph (3) or (4), such requirements must be imposed before a registration officer is required to disclose that information under regulation 32ZBB.

**Status:** Point in time view as at 01/12/2020.

**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 16 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

- F73** 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**)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F82** Words in [reg. 32ZBC\(1\)\(a\)](#) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **9**

### Annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received

**32ZBD.**—(1) A registration officer must attempt to make contact with a person who is, or may be eligible to be, registered, in a register<sup>F83</sup>..., at a residential address in the area for which the officer is responsible by—

- (a) sending a paper communication to the address, or
- (b) visiting the address in order to obtain the information required by the canvass form.

(2) If no information in response is received within a reasonable time following an attempt to make contact with a person under paragraph (1), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(3) If no information in response is received within a reasonable time following an attempt to make contact with at least one person under paragraph (2), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(4) Subject to paragraphs (6) to (9) a registration officer may comply with the requirements in paragraphs (2) and (3) by any of the following means—

- (a) by sending a paper communication to the address;
- (b) where the registration officer holds a telephone number for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;
- <sup>F84</sup>(ba) [ where the registration officer holds a telephone number for one or more persons aged 16 or over who are registered in the register of local government electors at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;]
- (c) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by sending a communication by electronic means to each of those persons;<sup>F85</sup>...
- <sup>F86</sup>(ca) [ where the registration officer holds relevant contact details for one or more persons aged 16 or over who are registered in the register of local government electors at the address, and whom the registration officer believes are resident at the address, by sending a communication by electronic means to each of those persons; or]
- (d) by visiting the address.

(5) Where a registration officer has complied with the requirements in paragraphs (1) and (2) but has not done so in either case by sending the canvass form to the address, and the registration

officer is required to comply with paragraph (3), the registration officer must do so by sending that form to the address.

(6) Where a registration officer has complied with the requirement in paragraph (2) other than by sending a paper communication to the address or by visiting the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending a paper communication to the address or visiting the address but, where paragraph (5) applies, the registration officer must instead do so by sending the canvass form to that address.

(7) Where no information has been received in response to an attempt to make contact with a person under paragraph (3), and a registration officer has not already made an attempt to contact a person at that address by means of a telephone call or calls under paragraph (4)(b) or by visiting the address, the officer must make an attempt by one or other of these means in order to obtain the information required by the canvass form.

(8) A registration officer complies with the requirements in paragraphs (2), (3) or (7) by means of a telephone call or calls under paragraph (4)(b) [<sup>F87</sup>or (ba)] without having to make a telephone call to each of the persons to whom that sub-paragraph relates, where—

- (a) one of those persons to whom that sub-paragraph relates has provided the information required by the canvass form; or
- (b) an identical telephone number is held in respect of all persons to whom that sub-paragraph relates.

(9) Where a registration officer complies with the requirements in paragraphs (1), (2) or (3) by sending a canvass form—

- (a) before sending the form the registration officer must if practicable print on the form—
  - (i) any information required by the canvass form which the officer already holds in respect of each person who is registered at the address in a register <sup>F88</sup>..., with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; <sup>F89</sup>...
  - (ii) the full name and nationality of each person whose application to be registered at the address in a register of parliamentary electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and
  - [ the full name, date of birth and nationality of each person whose application <sup>F90</sup>(iii) to be registered at the address in a register of local government electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and]
- (b) the form must be accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid.

[  
<sup>F91</sup>(9A) In relation to the registration of local government electors, the registration officer must not, under paragraph (9), print on the form the date of birth of any person aged under 16.]

(10) In this regulation—

“canvass form” means the canvass form designed by the Electoral Commission under regulation 32ZBG(1)(a)(ii);

“paper communication” means—

*Status: Point in time view as at 01/12/2020.*

*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 16 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)*

- (a) the canvass form, or
- (b) the canvass communication B designed by the Electoral Commission under regulation 32ZBG(1)(a)(iii).

#### Textual Amendments

- F73** 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**)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (S.I. 2019/1451), regs. 1(3), **18**
- F83** Words in reg. 32ZBD(1) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(a)**
- F84** Reg. 32ZBD(4)(ba) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(b)(i)**
- F85** Word in reg. 32ZBD(4)(c) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(b)(ii)**
- F86** Reg. 32ZBD(4)(ca) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(b)(iii)**
- F87** Words in reg. 32ZBD(8) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(c)**
- F88** Words in reg. 32ZBD(9)(a)(i) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(d)(i)**
- F89** Word in reg. 32ZBD(9)(a)(i) omitted (27.4.2020) by virtue of The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(d)(ii)**
- F90** Reg. 32ZBD(9)(a)(iii) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(d)(iii)**
- F91** Reg. 32ZBD(9A) inserted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(2), **10(e)**

#### **Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required**

**32ZBE.**—(1) Paragraph (2) applies where, having taken into account the information described in regulation 32ZBA(7), a registration officer—

- (a) is satisfied that it is not necessary to remove a person registered at a residential address in the area for which they are responsible from a register <sup>F92</sup>...; and
- (b) has no reason to believe that any addition may be required to a register <sup>F92</sup>... in respect of the address.

(2) The registration officer may proceed to conduct the annual canvass for a register <sup>F93</sup>... by complying with the requirements of paragraphs (3) to (6) (but see paragraph (7)).

(3) A registration officer must send either of the following—

- (a) a canvass communication A to the address; or

<sup>F94</sup>(b) where—

**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 16 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)

- (i) the registration officer hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors, or
  - (ii) the registration officer hold relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors,
- a communication by electronic means to each of those persons.]
- (4) Any communication sent under [<sup>F95</sup>paragraph (3)(b)(i)] must require the recipient to—
- (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of parliamentary electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate; and
  - (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 16 or over who is residing at the address and who is eligible to be registered in a register of parliamentary electors.

- [
- <sup>F96</sup>(4A) Any communication sent under paragraph (3)(b)(ii) must require the recipient to—
- (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of local government electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate;
  - (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 14 or over who is residing at the address and who is eligible to be registered in a register of local government electors; and
  - (c) provide to the registration officer the date of birth of each person aged 14 or 15 who is residing at the address and who is eligible to be registered in a register of local government electors.]
- (5) In circumstances where a registration officer—
- (a) does not hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors; or
  - (b) has sent a communication by electronic means under [<sup>F97</sup>paragraph (3)(b)(i)] to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.

- [
- <sup>F98</sup>(5A) In circumstances where a registration officer—
- (a) does not hold relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors; or
  - (b) has sent a communication by electronic means under paragraph (3)(b)(ii) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.]

- (6) The registration officer must, before sending a canvass communication A, print on the communication the full name and nationality of each person—

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- (a) who is registered at the address in a register <sup>F99</sup>..., with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; or
- (b) whose application to be registered at the address in a register <sup>F99</sup>... under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act.
- (7) If, after complying with the requirements of paragraphs (3) to (6), a registration officer has reason to believe—
- (a) that it may be necessary to remove a person registered at that address from a register <sup>F100</sup>...; or
- (b) that a person who resides at the address may be entitled to be registered in a register <sup>F100</sup>..., but is not aware of that person's name, the officer must conduct the annual canvass in accordance with regulation 32ZBD in respect of the address.
- (8) In this regulation, “canvass communication A” means a document in the form designed by the Electoral Commission under regulation 32ZBG(1)(a)(i).

#### Textual Amendments

- F73** 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)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F92** Words in reg. 32ZBE(1) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(a)**
- F93** Words in reg. 32ZBE(2) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(a)**
- F94** Reg. 32ZBE(3)(b) substituted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(b)**
- F95** Words in reg. 32ZBE(4) substituted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(c)**
- F96** Reg. 32ZBE(4A) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(d)**
- F97** Words in reg. 32ZBE(5)(b) substituted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(e)**
- F98** Reg. 32ZBE(5A) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(f)**
- F99** Words in reg. 32ZBE(6) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(a)**
- F100** Words in reg. 32ZBE(7) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **11(a)**

### Annual canvass in respect of particular types of property

**32ZBF.**—(1) Paragraph (4) applies where a registration officer has identified a responsible person in respect of a property to which paragraph (2) applies in the area for which the officer is responsible.

(2) Subject to paragraph (3), this paragraph applies to—

- (a) a property at which is situated a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010, where “care home service” has the meaning given by paragraph 2 of Schedule 12 to that Act;
- (b) a house in multiple occupation within the meaning of section 125 of the Housing (Scotland) Act 2006;
- (c) a building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education;
- (d) a property—
  - (i) at which persons reside who together do not form a single household; or
  - (ii) in respect of which a registration officer has made an attempt to deliver a document in the previous 18 months but has been unable to do so, andin respect of which a registration officer reasonably believes that conducting the annual canvass in accordance with this regulation is more likely to fulfil its purpose under section 9D(2) of the 1983 Act than if conducted in accordance with any other part of these Regulations.

(3) Paragraph (2)(d) does not apply to a building containing two or more flats which are occupied or intended to be occupied wholly or mainly for residential purposes.

(4) The registration officer may proceed to conduct the annual canvass for that property in respect of a register <sup>F101</sup>... by complying with paragraph (5) [<sup>F102</sup>or (5A)] (but see paragraph (7)).

(5) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 16 or over who is residing at that property and is eligible to be registered in a register of parliamentary electors—

- (a) full name;
- (b) nationality.

[  
<sup>F103</sup>(5A) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 14 or over who is residing at that property and is eligible to be registered in a register of local government electors—

- (a) full name;
- (b) nationality;
- (c) date of birth.]

(6) A registration officer may comply with paragraph (5) [<sup>F104</sup>or (5A)] by any means the registration officer thinks appropriate, including—

- (a) by sending a paper communication;
- (b) by visiting the property;
- (c) by telephone;
- (d) by electronic means.

(7) If, after complying with the requirements of paragraph (5) [<sup>F105</sup>or (5A)], the registration officer does not receive the information requested within a reasonable time of having made the attempt to



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contact the responsible person the registration officer must conduct the annual canvass in respect of that property in accordance with regulation 32ZBD.

(8) For the purposes of this regulation “responsible person” means any person who lawfully holds or has access to, and may lawfully disclose to the registration officer, any of the information in paragraph (5) [<sup>F106</sup>or (5A)] in relation to the residents of a property to which paragraph (2) applies.

#### Textual Amendments

- F73** 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**)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F101** Words in reg. 32ZBF(4) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(a)(i)**
- F102** Words in reg. 32ZBF(4) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(a)(ii)**
- F103** Reg. 32ZBF(5A) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(b)**
- F104** Words in reg. 32ZBF(6) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(c)**
- F105** Words in reg. 32ZBF(7) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(c)**
- F106** Words in reg. 32ZBF(8) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **12(c)**

#### Electoral Commission requirements

**32ZBG.**—(1) The Electoral Commission must—

- (a) design the following—
  - (i) a paper canvass communication A;
  - (ii) a paper canvass form;
  - (iii) a paper canvass communication B;
- (b) obtain the approval of the Minister for the Cabinet Office to the communications and the form; and
- (c) make the designs available to registration officers.

(2) Before giving the approval referred to in paragraph (1)(b) the Minister for the Cabinet Office must consult the Scottish Ministers.

(3) The canvass communication A referred to in paragraph (1)(a)(i) must—

- (a) include a space for the full name and nationality of each person who is registered in a register <sup>F107</sup>... at the address to which the communication relates;
- (b) include a space for the full name and nationality of each person whose application for registration at the address in a register <sup>F108</sup>... under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant’s name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent;

- (c) where a person's personal data has been processed under regulation 32ZBB prior to the registration officer sending the communication, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the communication will be processed in accordance with such requirements;
  - (d) require 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—
    - (i) to notify the registration officer responsible for the area in which the address is situated if any of the information provided in the communication is incomplete or inaccurate; <sup>F109</sup> ...
    - (ii) to provide the registration officer with the full name and nationality of each person aged 16 or over who is eligible to be registered in a register <sup>F110</sup> ..., and is residing at the address to which the communication relates, where that information is not included in the communication; <sup>F111</sup> and
    - (iii) to provide the registration officer with the full name, date of birth and nationality of each person aged 14 or 15 who is eligible to be registered in the register of local government electors, and is residing at an address to which the communication relates, where that information is not included in the communication;]
  - (e) set out the manner in which the responses referred to in subparagraph (d) may be provided, and—
    - (i) require a named person at the address to which the communication relates to make a declaration that the information contained in such responses is true; and
    - (ii) require an indication, if the person making the declaration is not resident at the address, of the capacity in which they are making it.
- (4) The canvass form referred to in paragraph (1)(a)(ii) must—
- (a) require the recipient to provide the full name and nationality of each person aged 16 or over who is eligible to be registered in a register <sup>F112</sup> ... and is residing at the address to which the form is delivered;
  - (b) include a space for the full name and nationality of each person whose application for registration at the address in a register <sup>F113</sup> ... under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the canvass form will be sent;
  - (c) where a person's personal data has been processed prior to the registration officer sending the form, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the form will be processed in accordance with such requirements;
  - (d) include space for the email address and telephone number or numbers of each person residing at the address who is entitled to be registered in a register <sup>F114</sup> ..., together with an explanation that provision of this information is not mandatory;
  - (e) include a declaration that the information provided is true, to be made by a named person at the address to which the form is given and include an indication, if the person who is making the declaration is not resident at the address, of the capacity in which they are making it.

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[ require the recipient to provide the full name, date of birth and nationality of each person <sup>F115</sup>(f) aged 14 or 15 who is eligible to be registered in a register of local government electors and is residing at the address to which the form is delivered.]]

### Textual Amendments

- F73** 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**)
- F74** Regs. 32ZBA-32ZBG inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\)](#), regs. 1(3), **18**
- F107** Words in reg. 32ZBG(3)(a) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(i)**
- F108** Words in reg. 32ZBG(3)(b) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(i)**
- F109** Word in reg. 32ZBG(3)(d)(i) omitted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(ii)**
- F110** Words in reg. 32ZBG(3)(d)(ii) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(i)**
- F111** Reg. 32ZBG(3)(d)(iii) and word inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(a)(iii)**
- F112** Words in reg. 32ZBG(4)(a) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(b)(i)**
- F113** Words in reg. 32ZBG(4)(b) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(b)(i)**
- F114** Words in reg. 32ZBG(4)(d) omitted (27.4.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(b)(i)**
- F115** Reg. 32ZBG(4)(f) inserted (27.4.2020) by [The Representation of the People \(Annual Canvass\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/113\)](#), regs. 1(2), **13(b)(ii)**

### 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 [<sup>F116</sup>Minister for the Cabinet Office] to the invitation; and
- (c) then make the invitation available to registration officers.

[ <sup>F117</sup>(1A) Before giving approval for the purposes of sub-paragraph (1)(b), the Minister for the Cabinet Office must consult the Scottish Ministers.]

(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; <sup>F118</sup> ...
- (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; [<sup>F119</sup>and]  
[ the website address of the digital service.]
- <sup>F120</sup>(d)  
[
- <sup>F121</sup>(2A) In relation to the registration of local government electors, where the person to be invited is under the age of 16, the invitation in paragraph (1) must also include an explanation of how the person's information will be held and used.]
- (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.
- [
- <sup>F122</sup>(4) The registration officer must give the invitation either—
- (a) by delivering it to the person, leaving it at the person's address or sending it to the person by post; or
- (b) by electronic means.
- (5) Where an invitation mentioned in paragraph (3) is given by electronic means, the registration officer need not comply with sub-paragraphs (c) and (d) of that paragraph.]

#### Textual Amendments

- F73** 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**)
- F116** Words in reg. 32ZC(1)(b) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 34(2)(h)** (with art. 12)
- F117** Reg. 32ZC(1A) inserted (18.5.2017) by [The Scotland Act 2016 \(Consequential and Saving Provisions\) Regulations 2017 \(S.I. 2017/602\)](#), regs. 1, **8**
- F118** Word in reg. 32ZC(2)(b) omitted (27.4.2017) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **8(a)(i)**

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- F119** Word in reg. 32ZC(2)(c) inserted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **8(a)(i)**
- F120** Reg. 32ZC(2)(d) inserted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **8(a)(ii)**
- F121** Reg. 32ZC(2A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **3(2)**, 21
- F122** Reg. 32ZC(4)(5) inserted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **8(b)**

### 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.

[  
<sup>F123</sup>(3A) In relation to the registration of local government electors, paragraph (3) does not require a registration officer to make, or have made, any visits in the case where the invitations were given to a person under the age of 16.]

(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 [<sup>F124</sup>in respect of 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.

[  
<sup>F125</sup>(6) Paragraph (3) does not apply if, on the date that the registration officer gave an invitation to apply for registration under section 9E(1) of the 1983 Act, the person was a person to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies.]

#### Textual Amendments

- F73** 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)

- F123** Reg. 32ZD(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 3\(3\), 21](#)
- F124** Words in reg. 32ZD(5)(a) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\), regs. 1, 9](#)
- F125** Reg. 32ZD(6) inserted (27.6.2020) by virtue of [The Representation of the People \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/180\), regs. 1\(2\), 6](#)

### 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—
    - (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 [<sup>F126</sup>in respect of 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.

[<sup>F127</sup>(3A) In relation to the registration of local government electors, the following provisions of this regulation do not apply in the case of a person who is under the age of 16—

- (a) paragraphs (2)(b)(iii) and (3)(b) and (c),
- (b) paragraph (3)(f), so far as requiring a notice to state that the person may make representations about why a civil penalty should not be imposed.]

(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.



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(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 [<sup>F128</sup>in respect of 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

- F73** 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**)
- F126** Words in reg. 32ZE(2)(c) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **10**
- F127** Reg. 32ZE(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), ss. **3(4)**, 21
- F128** Words in reg. 32ZE(5)(a) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **10**

#### 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.

(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

- F73** 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 [<sup>F129</sup>in respect of 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.

(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

**F73** 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**)

**F129** Words in [reg. 32ZG\(5\)\(b\)\(i\)](#) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **11**

## 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;

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- (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

**F73** 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)

#### 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

**F73** 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)

#### [<sup>F130</sup>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.]

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**Textual Amendments**

**F130** 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)

**Modifications etc. (not altering text)**

**C6** Reg. 32A applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 2\(e\)](#)

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

<sup>F131</sup>**33.** .....

**Textual Amendments**

**F131** 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**

<sup>F132</sup>**34.** .....

**Textual Amendments**

**F132** 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

**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\(1\)](#)

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### <sup>F133</sup>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

**F133** 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<sup>(1)</sup> 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) [<sup>F134</sup>13AB(2)] [<sup>F135</sup>], 13B(3) [<sup>F136</sup>, (3B) or (3D)] [<sup>F137</sup> or 13BC(3) or (6)] of that Act must be issued by—

- <sup>F138</sup>(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 [<sup>F139</sup>regulation 29(2AA), 31C and 31FZA] above, sending a copy of it to any person affected by its contents.

<sup>F140</sup>(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..]

<sup>F141</sup>(4) For the purposes of section 13BC(5)(a) of the 1983 Act (alteration of the registers: recall petition), the prescribed time is one hour before the end of the signing period (within the meaning of section 9(2) of the Recall of MPs Act 2015).]

#### Textual Amendments

**F134** 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

**F135** Comma in reg. 36(2) substituted for word (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, 152(2)(a)(i)

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

- F136** 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)**
- F137** Words in reg. 36(2) inserted (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, **152(2)(a)(ii)**
- F138** 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**
- F139** Words in reg. 36(2)(b) substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, **9**
- F140** 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)**
- F141** Reg. 36(4) inserted (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, **152(2)(b)**

#### Commencement Information

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

#### [<sup>F142</sup>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

- F142** [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**

#### Modifications etc. (not altering text)

- C7** [Reg. 36A](#) applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 2\(f\)](#)

#### 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

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

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