
STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART III

REGISTRATION

INFORMATION ABOUT ELECTORS

Power to require information

23.—(1) A registration officer may require any person to give information required for the purposes of that officer's duties in maintaining registers of parliamentary and local government electors.

[^{F1}(1A) A registration officer may not use the power conferred by paragraph (1) to require a person who has made an application under section 10ZC or 10ZD of the 1983 Act to provide information to assist the registration officer in determining, in connection with that application, whether the applicant is the person named in the application or is entitled to be registered.]

(2) If any person—

(a) fails to comply with ^{F2}...

^{F2}(b)

any such requisition of the registration officer, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F1 Reg. 23(1A) 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), [7](#)

F2 Reg. 23(2)(b) and word omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), [3](#)

Commencement Information

I1 Reg. 23 in force at 16.2.2001, see [reg. 1\(1\)](#)

Evidence as to age and nationality

24.—(1) Where a registration officer has doubts about a person's age or nationality, he may require that person to produce such evidence as is specified in paragraph (2) below for the purposes of registration.

(2) The evidence which the registration officer may require is as follows—

(a) a birth certificate ^{F3}...;

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- (b) a certificate of naturalisation;
- (c) where a person has made an overseas elector’s declaration, further evidence of his status as a British citizen including a document showing that he has become a British citizen by virtue of registration;
- (d) in any other case—
 - (i) a document showing that he has become a Commonwealth citizen by virtue of registration; or
 - (ii) a statutory declaration that he is a qualifying Commonwealth citizen or citizen of the Republic of Ireland or a relevant citizen of the Union.

(3) If any fee is payable in connection with the making of a declaration for the purposes of this regulation, the registration officer shall pay that fee and it shall be treated as part of his registration expenses within the meaning of section 54(1) of the 1983 Act⁽¹⁾.

(4) Any such declaration shall be made available for inspection at the registration officer’s office until the determination of the application for registration and of any objections duly made to it.

[^{F4}(4A) Paragraph (4) does not apply where the declarant has, or has applied for, an anonymous entry.]

(5) This regulation does not apply where an application for registration is made in pursuance of a service declaration.

(6) In this regulation “qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act⁽²⁾.

Textual Amendments

- F3** Words in reg. 24(2)(a) omitted (10.6.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(5)(b), 8
- F4** [Reg. 24\(4A\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 4

Commencement Information

- I2** Reg. 24 in force at 16.2.2001, see [reg. 1\(1\)](#)

Reminders to electors registered pursuant to a declaration

25.—(1) This regulation applies in respect of a person registered in pursuance of—

- (a) a service declaration;
- (b) a declaration of local connection; and
- (c) an overseas elector’s declaration.

(2) Subject to paragraph (4) below, the registration officer shall, during the relevant period, send to a person to whom this regulation applies a reminder of the need to make a fresh declaration if he wishes to remain registered as an elector in pursuance of such a declaration.

[^{F5}(3) In paragraph (2) “the relevant period” means—

(1) Section 54 was amended by Schedule 4 to the 1985 Act.

(2) Section 4 was substituted by section 1(2) of the 2000 Act.

- (a) except in cases to which sub-paragraph (b) applies, the period beginning nine months after the date when the existing entry in a register of the person in question first takes effect and ending ten months after that date, and
- [^{F6}(b) in the case of a person mentioned in section 14(1)(a) or (d) of the 1983 Act (members of the forces and their spouses or civil partners) who is registered in pursuance of a service declaration, the period beginning 57 months after the date when the existing entry in a register of the person in question first takes effect and ending 58 months after that date.]]
- [^{F7}(3A) Subject to paragraph (4) below, the registration officer must send a second reminder not less than 21 nor more than 28 days after the date of the sending of the first reminder.]
- (4) [^{F8}Paragraphs (2) and (3A) above do] not apply in respect of a person to whom this regulation applies where—
- (a) the registration officer has already received from that person a fresh declaration, or
- (b) information which the registration officer has received indicates that that person is no longer entitled to make the relevant declaration.

Textual Amendments

- F5** Reg. 24(3) substituted (1.1.2007) by [The Service Voters' Registration Period Order 2006 \(S.I. 2006/3406\)](#), arts. 1(2), 4
- F6** Reg. 25(3)(b) substituted (19.3.2010) by [The Service Voters' Registration Period Order 2010 \(S.I. 2010/882\)](#), arts. 1(2), 4
- F7** Reg. 25(3A) inserted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, 5(a)
- F8** Words in reg. 25(4) substituted (9.12.2014) by [The Representation of the People \(Scotland\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/3124\)](#), regs. 1, 5(b)

Commencement Information

- I3** Reg. 25 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F9}Reminders to persons who have an anonymous entry

- 25A.—**(1) This regulation applies to each person who has an anonymous entry.
- (2) Subject to paragraph (3), the registration officer must, during the relevant period, send to a person to whom this regulation applies a reminder that—
- (a) his entitlement to registration will terminate at the end of the period of 12 months beginning with the date on which his entry in the register first took effect;
- (b) if he wishes to remain entered in the register after that period, he must make a fresh application for registration in accordance with the requirements prescribed for the purposes of [^{F10}section 10ZC(1)(b) of the 1983 Act];
- (c) if he wishes to remain entered in the register anonymously, the application for registration must be accompanied by a fresh application for an anonymous entry.
- (3) Paragraph (2) does not apply where the registration officer has already received from that person a fresh application for registration made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) which is accompanied by a fresh application for an anonymous entry.
- (4) In this regulation, “the relevant period” must be construed in accordance with regulation 25(3)(a).]

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Textual Amendments

- F9** Reg. 25A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 5
- F10** Words in [reg. 25A\(2\)\(b\)](#) 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), 9

[F11] Applications for registration

26.—(1) An application for registration as a parliamentary or local government elector (or both) under section 10ZC or an application for alteration in respect of address under section 10ZD of the 1983 Act (“an application”) must be in writing and must state—

- (a) the applicant’s full name and any previous name by which the applicant has been known within 12 months before the date of the application;
- (b) except in the case of an application being made in pursuance of a service declaration or an overseas elector’s declaration, the address in respect of which the applicant applies to be registered and at which they are resident on the date of the application;
- (c) any address at which the applicant has ceased to reside within 12 months before the date of the application and, where that address is not in the United Kingdom, an indication of whether the person was registered in pursuance of an overseas elector’s declaration during this period;
- (d) an indication of whether the applicant is resident at any other address, including at any address in respect of which the applicant is currently registered as an elector and in respect of which the applicant claims to be entitled to remain registered;
- (e) the applicant’s date of birth or, if they are not able to provide that information, the reason why they are not able to do so and a statement as to whether the applicant is under 18 years old;
- (f) the applicant’s national insurance number or, if they are not able to provide that information, the reason why they are not able to do so;
- (g) except in the case of a person applying to be registered in pursuance of an overseas elector’s declaration, the applicant’s nationality or nationalities or, if they are not able to provide that information, the reason why they are not able to do so;
- (h) an indication of whether the applicant requests that their name and address are omitted from the edited version of the register;
- (i) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact;
- (j) a declaration by the applicant that the information provided in the application is true; and
- (k) the date of the application.

(2) In the case of a person applying to be registered as a parliamentary or local government elector (or both) in pursuance of a service declaration, a declaration of local connection or an overseas elector’s declaration, an application under paragraph (1) must include the appropriate declaration.

(3) The Electoral Commission must design a paper application form which requires the information and declarations in paragraphs (1) and (2) and includes—

- (a) a statement that the information provided in the application will be processed in accordance with the Data Protection Act 1998 and as to what information will appear on the electoral register;

- (b) a statement that persons without lawful immigration status are ineligible to register to vote, and that registration officers may request checks in relation to an applicant's immigration status against Home Office records;
 - (c) a statement that it is an offence to provide false information to the registration officer, together with a statement of the maximum penalty for that offence;
 - (d) space for a bar code, local authority reference number and security code unique to each form;
 - (e) space for the email address and telephone number or numbers of the applicant and an explanation that provision of this information is not mandatory;
 - (f) space for the registration officer to include local authority information and details of how the registration officer may be contacted;
 - (g) an indication of whether the applicant wishes to be able to cast an absent vote;
 - (h) an explanation of what the edited register is, using the short version of the form of words prescribed by regulation 47 of and Schedule 3 to the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013; and
 - (i) the web site address of the digital service.
- (4) The paper application form for persons applying to be registered in pursuance of a service declaration must—
- (a) instead of the information required in paragraph (1)(b), request the applicant's correspondence address or British Forces Post Office Number;
 - (b) in the case of an application in pursuance of a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act), also include a statement that the applicant must renew their application for registration every 5 years but may cancel it at any time.
- (5) The paper application form for persons applying to be registered in pursuance of an overseas elector's declaration must, instead of the information required in paragraph (1)(b), request—
- (a) the last address at which the applicant was registered as an elector; and
 - (b) the address at which the applicant can be contacted.
- (6) The Electoral Commission must obtain the approval of the Lord President of the Council to the design of the application forms under paragraphs (3), (4) and (5) and must then make the forms available to registration officers.
- (7) Where a registration officer gives a paper application form to a person resident in Scotland, it must be accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.
- (8) A registration officer may authorise the applicant to provide the information required by paragraph (1) to the registration officer by telephone or in person and, where the officer does so, the registration officer must—
- (a) provide the applicant with an explanation of what the edited register is, using the short version of the forms of words prescribed by regulation 47 of and Schedule 3 to the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013; and
 - (b) transfer the information provided by the applicant into an application in writing.
- (9) An application under paragraph (1) may be made through the digital service and, where it is, the Lord President of the Council must request the applicant's email address and telephone number or numbers and provide an explanation of the purpose for which this information will be used.

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(10) A registration officer may, but need not, accept an application in pursuance of an overseas elector's declaration through the digital service.

(11) The Lord President of the Council must send to the registration officer any application he receives together with—

- (a) the applicant's email address and telephone numbers (if provided); and
- (b) a reference number unique to that application.]

Textual Amendments

F11 Reg. 26 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), **10**

[^{F12}Application for alteration of register in respect of name under section 10ZD

26A.—(1) An application for alteration in respect of name under section 10ZD of the 1983 Act must be in writing and must state—

- (a) the applicant's full name;
- (b) the full name in respect of which the applicant is currently registered;
- (c) the date of the change of name;
- (d) the address in respect of which the applicant is registered;
- (e) a declaration by the applicant that the information provided in the application is true;
- (f) the date of the application.

(2) The Electoral Commission must design a form for applications for alteration in respect of name under section 10ZD of the 1983 Act, which requires the information in paragraph (1) and includes—

- (a) a statement that the information provided in the application will be processed in accordance with the Data Protection Act 1998 and as to what information will appear on the electoral register;
- (b) space for a bar code, local authority reference number and security code unique to each form; and
- (c) space for the registration officer to include local authority information and details of how the registration officer may be contacted.

(3) The Electoral Commission must obtain the approval of the Lord President of the Council to the design of the application form under paragraph (2) and must then make the form available to registration officers.

(4) A person making an application for alteration in respect of name under paragraph (1) must give to the registration officer as part of their application a copy of one of the following documents as evidence of the applicant's change of name—

- (a) marriage or civil partnership certificate;
- (b) overseas marriage or civil partnership certificate if it has been deposited in the General Register Office for England & Wales, the General Register Office for Scotland or the General Register Office for Northern Ireland; or
- (c) deed poll or amended birth certificate.

(5) Where a person is unable to provide one of the documents in paragraph (4), they must provide their date of birth or national insurance number as part of their application or, if they are not able to provide their date of birth or national insurance number, the reason why they are not able to do so.

(6) Where the registration officer considers it appropriate, the officer may require that the applicant provide the original of the copy document provided under paragraph (4) after the application has been made.

Textual Amendments

F12 Regs. 26A, 26B 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), **11**

Power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary

26B.—(1) This regulation applies where a registration officer considers additional evidence is necessary to verify the identity of a person or determine their entitlement to register in respect of their application under section 10ZC or 10ZD of the 1983 Act, including where that is necessary because the person is not able to state the information required by any of sub-paragraphs (e), (f) or (g) of regulation 26(1).

(2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents—

- (a) the applicant's passport;
- (b) the applicant's identity card issued in the European Economic Area;
- (c) the applicant's biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the Borders Act 2007;
- (d) the applicant's electoral identity card issued in Northern Ireland; or
- (e) the applicant's photocard driving licence granted in the United Kingdom or driving licence granted by a Crown Dependency, which bears a photograph of the applicant.

(3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of—

- (a) one of the following documents, which, except in relation to paragraph (vii), must have been issued in the United Kingdom or Crown Dependencies—
 - (i) the applicant's birth certificate;
 - (ii) the applicant's marriage or civil partnership certificate;
 - (iii) the applicant's adoption certificate;
 - (iv) the applicant's firearms certificate granted under the Firearms Act 1968;
 - (v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976;
 - (vi) the applicant's driving licence, which is not in the form of a photocard; or
 - (vii) the applicant's driving licence granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom; and
- (b) two other documents, each of which may be either from sub-paragraph (a) or from paragraph (4).

(4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them a copy, or where the registration officer

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considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant's full name—

- (a) a financial statement, including but not limited to—
 - (i) a mortgage statement;
 - (ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
 - (iii) a credit card statement;
 - (iv) a pension statement;
 - (b) a council tax demand letter or statement;
 - (c) a utility bill;
 - (d) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
 - (e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- (5) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation as set out in paragraph (6).
- (6) An attestation must—
- (a) confirm that the applicant is the person named in the application;
 - (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
 - (c) be in writing and signed by a person—
 - (i) whom the registration officer is satisfied is of good standing in the community;
 - (ii) who is registered as an elector in the same local authority area as the applicant;
 - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
 - (iv) who has not already signed attestations under this regulation for two applicants since the last revised version of the register was published under section 13(1) of the 1983 Act;
 - (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
 - (e) state the date on which it is made.
- (7) Paragraphs (2) to (6) do not apply where the application is made pursuant to the following declarations—
- (a) a service declaration on the grounds that the applicant is a Crown servant (within the meaning of regulation 14) or the spouse or civil partner of a Crown servant (within the meaning of regulation 14);
 - (b) a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act);
 - (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act); or
 - (d) an overseas elector's declaration.

(8) In the case of an application in pursuance of a declaration within paragraph (7)(a) or (c), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant (within the meaning of regulation 14) or British Council employee or an officer of the forces (within the meaning of section 59(1) of the 1983 Act) who is not the applicant's spouse or civil partner—

- (a) the applicant's passport; or
- (b) the applicant's identity card issued in the European Economic Area.

(9) In the case of an application in pursuance of a declaration within paragraph (7)(b), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by an officer of the forces (within the meaning of section 59(1) of the 1983 Act) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve; and
- (d) state the date on which it is made.

(10) In the case of an application in pursuance of a declaration within paragraph (7)(d), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by a registered elector who is a British citizen living overseas and who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and occupation of the person signing the attestation;
- (d) state the attester's British passport number together with its date and place of issue; and
- (e) state the date on which it is made.

(11) Where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is a qualifying Commonwealth citizen, the registration officer may require that the applicant provide evidence relating to the applicant's immigration status, including, if applicable, the applicant's biometric immigration document issued in the United Kingdom.

(12) In this regulation—

- (a) "Crown Dependency" means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;
- (b) "qualifying Commonwealth citizen" has the same meaning as in section 4 of the 1983 Act.]

Textual Amendments

F12 Regs. 26A, 26B 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), **11**

Objections to registration

27.—(1) Any objection to a person's registration shall state—

- (a) the name of the person against whom the objection is made;
- (b) [^{F13}in the case of an objection made before that person is entered in the register,] the address of that person as given in the application for registration;

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- [^{F14}(ba) in the case of an objection made after that person is entered in the register, the electoral number and qualifying address of that person contained in the register;]
- (c) the grounds of the objection;
- (d) the name of the objector and his address as shown in the register (if so shown) together with the address to which correspondence should be sent if that address is different or if no address is shown in the register; and
- (e) the electoral number of the objector.
- (2) An objection shall be made in writing and be signed and dated by the person objecting.
- (3) In this Part of these Regulations “objection” includes [^{F15}representations made against an application for registration under section 13A(1)(za) of the 1983 Act].

Textual Amendments

- F13** Words in reg. 27(1)(b) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **7(2)**
- F14** Reg. 27(1)(ba) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **7(3)**
- F15** Words in reg. 27(3) 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), **12**

Commencement Information

- I4** Reg. 27 in force at 16.2.2001, see **reg. 1(1)**

Inspection of applications and objections

28.—[^{F16}(1)] [^{F17}An entry on the list of applications for registration kept under regulation 29(2) (a)] and any objection to a person’s registration shall be made available for inspection at the registration officer’s office until the application [^{F18}to which the entry relates] or objection has been determined by the registration officer.

[^{F19}(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.]

Textual Amendments

- F16** Reg. 28 renumbered as reg. 28(1) (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **8(2)**
- F17** Words in reg. 28(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), **13(a)**
- F18** Words in reg. 28(1) 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), **13(b)**
- F19** Reg. 28(2) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **8(3)**

Commencement Information

- I5** Reg. 28 in force at 16.2.2001, see **reg. 1(1)**

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