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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART III

### REGISTRATION

#### *The register*

#### **Separate part of register for each parliamentary polling district**

**38.**—(1) The register shall be framed in separate parts for each parliamentary polling district.

(2) Where a parliamentary polling district is contained in more than one electoral area, there shall be a separate part of the register for each part of the polling district contained in each electoral area.

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#### **Commencement Information**

**I1** Reg. 38 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### **Different letter, number or combination of letter and number for each parliamentary polling district**

**39.** There shall be a different letter or letters, number or numbers, or combination of letter and number or letters and numbers in the register for each parliamentary polling district and such letter or letters, number or numbers, or combination shall form part of an elector's number in the register.

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#### **Commencement Information**

**I2** Reg. 39 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### **Qualifying addresses which are not included in the register**

**40.**—(1) Section 9(2)(b) of the 1983 Act<sup>(1)</sup> (which requires each register of parliamentary or local government electors to contain the qualifying addresses of the persons registered in it) does not apply to an address—

- (a) to which paragraph (2) or (3) below applies, or
- (b) which is specified in an overseas elector's declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act<sup>(2)</sup>.

(2) This paragraph applies to an address where it appears to the registration officer that—

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(1) Section 9 was substituted by Schedule 1 to the 2000 Act.

(2) Section 2 was substituted by Schedule 2 to the 2000 Act.

**Status:** Point in time view as at 09/12/2014.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: The register is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a service voter in his service declaration, or
  - (b) a person who has made a declaration of local connection,
- has given that address in such a declaration as an address—
- (i) at which he has resided, but
  - (ii) which is not an address at which he is or would be residing but for the circumstances entitling him to make such a declaration.
- (3) This paragraph applies to an address given in a declaration of local connection in accordance with section 7B(4)(b) of the 1983 Act<sup>(3)</sup>.

#### Commencement Information

**I3** Reg. 40 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Order of names

**41.**—(1) Subject to paragraphs (2) and (3) below, the names and addresses of each separate part of the register shall be arranged in street order.

(2) If the registration officer determines for any part of the register that street order is not reasonably practicable, the names and addresses shall be arranged in alphabetical order or partly in street order and partly in alphabetical order.

(3) The names of each person whose qualifying address is not contained in a register by virtue of regulation 40 above shall be grouped together in alphabetical order—

- (a) at the end of that part of the register to which the address relates;
- (b) beneath the heading “Other electors”, and
- (c) without giving that address.

#### Commencement Information

**I4** Reg. 41 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### [<sup>F1</sup>Anonymous entries

**41A.**—(1) An anonymous entry of a person consists of that person’s electoral number with the letter “N” placed against it.

- (2) The entry is to be entered in the register—
  - (a) at the end of the part of the register which relates to the qualifying address of the person entitled to the entry;
  - (b) beneath the heading of “Other electors” as mentioned in regulation 41(3)(b); and
  - (c) following the names grouped together beneath that heading in pursuance of that regulation.]

(3) Section 7B was inserted by section 6 of the 2000 Act.

#### Textual Amendments

- F1** Reg. 41A inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **15**

#### Marking of names

**42.**—(1) Where no mark appears against a person’s [F<sup>2</sup>entry] in the register of electors, this indicates that he is registered in the registers of parliamentary and local government electors.

(2) To indicate that a relevant citizen of the Union is registered only in the register of local government electors, the letter “G” shall be placed against his [F<sup>2</sup>entry].

(3) To indicate that such a citizen is registered in both that register and the register of such citizens registered as European Parliamentary electors, the letter “K” shall be placed against his [F<sup>2</sup>entry].

(4) To indicate that such a citizen is registered only in the register of citizens registered as European Parliamentary electors, the letter “U” should be placed against his [F<sup>2</sup>entry].

(5) To indicate that any other person is registered only in the register of local government electors, the letter “L” shall be placed against his [F<sup>2</sup>entry].

(6) To indicate that an overseas elector is registered only in the register of parliamentary electors, the letter “F” shall be placed against his [F<sup>2</sup>entry].

(7) To indicate that a European Parliamentary overseas elector is registered only in the register of such electors, the letter “E” shall be placed against his [F<sup>2</sup>entry].

#### Textual Amendments

- F2** Word in [reg. 42](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **16**

#### Commencement Information

- I5** Reg. 42 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Publication of register

**43.**—[F<sup>3</sup>(1) The manner in which each revised version of the full register is to be published under section 13(1) and (3) of the 1983 Act is by the registration officer—

- (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; and
- (b) supplying copies of it in accordance with Part VI of these Regulations.

(1A) Where a copy of the full register is made available under paragraph (1)(a) above by providing the register on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person, or
- (b) copy or transmit any part of that copy by electronic, or any other, means.]

**Status:** Point in time view as at 09/12/2014.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: The register is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) The revised version of the register shall be kept published until the coming into force of the next revised version of it.

#### Textual Amendments

**F3** Reg. 43(1)(1A) substituted for reg. 43(1) (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), 9

#### Commencement Information

**I6** Reg. 43 in force at 16.2.2001, see reg. 1(1)

### Information about register

**44.**—(1) As soon as practicable after the publication of a revised version of the register under section 13(1) of the 1983 Act, the registration officer shall supply to the Secretary of State, the Scottish Ministers and the Registrar General of Births, Deaths and Marriages for Scotland, a document setting out the information about electors which is required by paragraphs (2) to (4) [F4 and (6)] below.

(2) The document referred to in paragraph (1) above shall state the name of the constituency (and, if only part of the constituency is situated in the area for which the registration officer acts, that fact) and shall list the following total numbers of electors in that constituency or part thereof, namely—

- (a) parliamentary electors (including those referred to in sub-paragraph (d) below);
- (b) local government electors (including those referred to in sub-paragraph (d) below);
- (c) those local government electors who are ineligible to vote at parliamentary elections; and
- (d) those registered in pursuance of section 4(5) of the 1983 Act(4).

(3) The document referred to in paragraph (1) above shall set out separately as respects those electors referred to in sub-paragraphs (a) and (d) of paragraph (2) above the following totals, namely—

- (a) those registered by virtue of residence at a qualifying address;
- (b) those registered in pursuance of a service declaration;
- (c) those registered in pursuance of an overseas elector's declaration; and
- (d) those registered in pursuance of a declaration of local connection.

(4) The document referred to in paragraph (1) above shall in respect of each relevant area in the constituency state—

- (a) its name or number;
- (b) the letters, numbers or combinations, referred to in regulation 39 above for each parliamentary polling district in each relevant area (or part thereof); and
- (c) if only part of the relevant area is situated in the constituency, that fact;

and shall list the following total numbers of electors in that area (or part thereof) namely—

- (i) parliamentary electors (including those referred to in sub-paragraph (ii) below);
- (ii) those registered by virtue of section 4(5) of the 1983 Act; and
- (iii) those local government electors who are ineligible to vote at parliamentary elections.

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

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: The register is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In paragraph (4) above “relevant area” means an electoral ward in terms of section 5(5) of the Local Government etc. (Scotland) Act 1994(5).

[<sup>F5</sup>(6) The document referred to in paragraph (1) shall state the total number of electors who have an anonymous entry.]

#### Textual Amendments

- F4** Words in [reg. 44\(1\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **17(1)**
- F5** [Reg. 44\(6\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **17(2)**

#### Commencement Information

- I7** [Reg. 44](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### Preparation and publication of list of overseas electors

**45.**—(1) The registration officer shall prepare a list of the names of each person who appears to him to be entitled to be registered in pursuance of an overseas elector’s declaration (“the list of overseas electors”); and shall include in that list the address specified in that declaration in accordance with section 2(4) of the 1985 Act and regulation 18(1) above.

(2) In respect of each constituency which is wholly or partly comprised in the area for which the registration officer acts there shall be a separate part of the list of overseas electors; and the names of the persons included in each part shall be listed in alphabetical order.

(3) At the time when the registration officer publishes a revised version of the register under section 13(1) of the 1983 Act, he shall publish the list of overseas electors by making a copy of it available for inspection [<sup>F6</sup>under supervision] at his office; and the list shall be kept so published until the next revised version of the register is published under section 13(1) of the 1983 Act.

(4) The name of a person appearing to the registration officer to be entitled to be registered in pursuance of a European Parliamentary overseas elector’s declaration (and included in the list of overseas electors by virtue of regulation 13(6) above) shall be marked with the letter “E”.

#### Textual Amendments

- F6** Words in [reg. 45\(3\)](#) inserted (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), **10**

#### Commencement Information

- I8** [Reg. 45](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

### [<sup>F7</sup>Record of anonymous entries

**45A.**—(1) The registration officer must keep a record of anonymous entries.

(2) The registration officer must enter in the record each person who is entered in the register with an anonymous entry.

(3) The entry in the record must contain the following particulars—

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- (a) the full name of the person to whom the entry relates;
- (b) his electoral number;
- (c) his qualifying address;
- (d) where he has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;
- (e) the date on which the anonymous entry in the register took effect.

(4) Where the application of a person with an anonymous entry to vote by post is granted, the registration officer must also enter in the record the address to which the postal ballot paper should be sent as given in the application (in accordance with regulation 51(2)(d)).

#### Textual Amendments

**F7** Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

#### Duties of registration officer and his staff in relation to record of anonymous entries

**45B.**—(1) This regulation applies to—

- (a) the registration officer; and
- (b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his registration duties.

(2) Where the registration officer is also the returning officer at any election or counting officer at a referendum (and in consequence has access to the record of anonymous entries without being supplied with a copy of it), this regulation applies to—

- (a) the registration officer acting in that other capacity; and
- (b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his duties in respect of the election or referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the record;
- (b) disclose information contained in it; or
- (c) make use of such information,

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record.

(6) In this regulation and regulation 45C—

“counting officer” means the counting officer at a referendum held by or under any Act of Parliament;

“enactment” has the same meaning as in section 17(2) of the 2000 Act.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: The register is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Textual Amendments**

**F7** Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

**Supply of record of anonymous entries to returning and counting officers**

**45C.**—(1) Paragraph (2) applies whenever the registration officer supplies a copy of the full register, or any part of it, to a returning officer or counting officer.

(2) The registration officer must supply—

- (a) together with the copy of the register, a copy of the record of anonymous entries;
- (b) together with any part of the register, a copy of the record so far as it relates to that part.

(3) A registration officer may supply a copy of the record to a returning officer or counting officer at any other time.

(4) No person to whom a copy of the record has been supplied under this regulation may—

- (a) supply a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

other than for the purposes of an election or referendum (as the case may be).

(5) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

**Textual Amendments**

**F7** Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

**Supply of record of anonymous entries to the security services**

**45D.**—(1) This regulation applies where the registration officer supplies a copy of the full register to—

- (a) the Security Service;
- (b) the Government Communications Headquarters;
- (c) the Secret Intelligence Service.

(2) The registration officer must supply a copy of the record of anonymous entries together with the register.

<sup>F8</sup>(3) .....

<sup>F8</sup>(4) .....

**Textual Amendments**

**F7** Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

**F8** Reg. 45D(3)(4) revoked (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), Sch. 1 para. 3(2), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2

*Status: Point in time view as at 09/12/2014.*

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## Supply of the record of anonymous entries to police forces and other organisations

**45E.**—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to—

- (a) any police force in Great Britain;
- (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland (Reserve);
- (c) the Police Information Technology Organisation;
- (d) any body of constables established under an enactment; or
- (e) the Serious Organised Crime Agency.

(2) Senior officer means—

- (a) in the case of the forces and organisations mentioned in paragraph (1)(a) to (d), an officer of a rank senior to that of superintendent;
- (b) in the case of the Serious Organised Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may—

- (a) supply to any person a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
- (b) the vetting of a relevant person for the purpose of safeguarding national security.

(5) Relevant person means—

- (a) a constable or officer or prospective constable or officer of the force or organisation;
- (b) an employee of, or applicant for employment by, the force or organisation.

(6) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

### Textual Amendments

**F7** Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

## Certificate of anonymous registration

**45F.**—(1) Where a registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate of anonymous registration must state—

- (a) the name of the area for which the registration officer acts;
- (b) the name, electoral number and qualifying address of the person who has the anonymous entry;



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- (c) the date on which the anonymous entry took effect;
- (d) that unless a fresh application for an anonymous entry is made, the entitlement to remain registered anonymously will terminate no later than at the end of the period of 12 months beginning with the date stated in accordance with sub paragraph (c).]

**Textual Amendments**

**F7** Regs. 45A-45G inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **18**

**Certificate of anonymous registration prescribed for purposes of paragraph 10(2) of Schedule 2A**

<sup>F9</sup>**45G.** .....

**Textual Amendments**

**F9** Reg. 45G revoked (15.9.2014) by [The Donations to Candidates \(Anonymous Registration\) Regulations 2014 \(S.I. 2014/1805\)](#), regs. 1(2), **3(b)**

**Supply of free copies of register and list of overseas electors otherwise than on request**

<sup>F10</sup>**46.** .....

**Textual Amendments**

**F10** Regs. 46-49 revoked (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), **3(2)(a)**

**Supply of free copies of register and list of overseas electors on request**

<sup>F10</sup>**47.** .....

**Textual Amendments**

**F10** Regs. 46-49 revoked (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), **3(2)(a)**

**Sale of register and list of overseas electors**

<sup>F10</sup>**48.** .....

**Textual Amendments**

**F10** Regs. 46-49 revoked (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), **3(2)(a)**

**Status:** Point in time view as at 09/12/2014.

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## Supply of register and list of overseas electors in data form

<sup>F10</sup> 49. ....

### Textual Amendments

**F10** Regs. 46–49 revoked (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), **3(2)(a)**

**Status:**

Point in time view as at 09/12/2014.

**Changes to legislation:**

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