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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### [<sup>F1</sup>PART 6

#### SUPPLY OF REGISTER ETC

##### Textual Amendments

- F1** Pt. 6 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), 14

#### *Interpretation and edited register*

##### Interpretation of Part VI etc

92.—(1) In this Part “register” includes—

- (a) any part of it, and
- (b) except in regulation 93 and in the context of the supply by the registration officer of the register and notices altering the register, any notice altering the register which is published under section 13A(2) or 13B(3) [<sup>F2</sup>, (3B) or (3D)] of the 1983 Act<sup>(1)</sup>.

(2) In this Part—

- (a) “enactment” has the same meaning as in section 17(2) of the 2000 Act; <sup>F3</sup>...
- (b) “processor” has the meaning set out in regulation 114 below.

[ “relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act <sup>F4</sup>(c) 1998, and

- (d) “research purposes” shall be construed in accordance with section 33(1) of the Data Protection Act 1998.]

(3) In this Part, any reference to an employee of any person who has access to a copy of the full register shall be deemed to include any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(4) Any restriction on the use of a copy of the full register or information contained in it which is imposed by any regulation in this Part shall apply to a person to whom a copy of the full register has been supplied or information in it has been disclosed under the equivalent regulation in the Representation of the People (England and Wales) Regulations 2001<sup>(2)</sup>, or the Representation of the People (Northern Ireland) Regulations 2001<sup>(3)</sup>.

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<sup>(1)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

<sup>(2)</sup> Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

<sup>(3)</sup> Section 2 was substituted by Schedule 2 to the 2000 Act.

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**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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)

(5) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act<sup>(4)</sup>, any duty on a registration officer to supply data under this Part imposes only a duty to supply data in the form in which he holds it.

(6) The registration officer shall not supply data which includes information not included in the printed version of the full register otherwise than under a provision in an enactment.

#### Textual Amendments

- F2** Words in reg. 92(1)(b) 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), 27
- F3** Word in reg. 92(2)(a) omitted (23.3.2006) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 12(2)(a)
- F4** Reg. 92(2)(c)(d) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 12(2)(b)

#### Edited version of register

**93.**—(1) At the time when the registration officer publishes a version of the register under section 13(1) or (3) of the 1983 Act<sup>(5)</sup>, (“the full register”), he shall publish a version of the register under this regulation (“the edited register”).

(2) The edited register shall omit the names and addresses of any elector whose details are included in the full register if a request has been duly made in the form referred to in section 10(4) of the 1983 Act or in accordance with regulation 26 above<sup>(6)</sup> by or on behalf of that elector for his name and address to be excluded from the edited register.

[  
<sup>F5</sup>(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.]

(3) In other respects the edited register shall be identical to the full register (and, accordingly, shall include any mark or date which is required to be recorded against the name of any elector).

(4) Notwithstanding the omission of names and addresses in accordance with paragraph (2) above, regulation 41 above shall apply to the edited register as it applies to the full register.

(5) Unless the contrary intention appears, any reference in these Regulations to the register is to the full register.

(6) The manner in which each revised version of the edited register is to be published under this regulation is—

- (a) by the registration officer making a copy of it available for inspection at his office, and
- (b) by such other means (if any) as he thinks appropriate.

(7) Each revised version of the edited register shall be kept published until the coming into force of the next revised version of it.

<sup>(4)</sup> Section 56(1)(a) was amended by Schedule 1 to the 2000 Act.

<sup>(5)</sup> Section 10A was substituted by Schedule 1 to the 2000 Act.

<sup>(6)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

#### Textual Amendments

- F5** Reg. 93(2A) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 23

#### *General restrictions*

### **Restrictions on supply of full register and disclosure of information from it by the registration officer and his staff**

**94.**—(1) This regulation applies to—

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

(2) Where the registration officer is also [<sup>F6</sup>the returning officer at any election or] the counting officer at a referendum held by or under an Act of Parliament (and thereby has access to the full register without being supplied with a copy of it) this regulation also applies to—

- (a) the registration officer acting in that other capacity,
- (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 full register, or
- (b) disclose information contained in the full register (and not contained in the edited register),

otherwise than in accordance with an enactment, including these Regulations.

(4) Nothing in paragraph (3) above 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.

#### Textual Amendments

- F6** Words in [reg. 94\(2\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(3\)\(c\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), 53

### **Restriction on use of the full register, or of information contained in it, supplied in accordance with enactments or obtained otherwise**

**95.**—(1) This regulation applies to—

- (a) any person to whom a copy of the full register has been supplied in pursuance of a relevant provision;
- (b) any person to whom information contained in the full register has been disclosed in pursuance of a relevant provision;
- (c) any person to whom a person referred to in sub-paragraph (a) or (b) has supplied a copy of the full register or information contained in it for the purposes (express or implied) of a relevant provision, and

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- (d) any person who has obtained access to a copy of the full register or information contained in it by any other means.

[  
F7(2) No person to whom this regulation applies may—

- (a) supply a copy of the full register,  
(b) disclose any information contained in it (that is not contained in the edited register), or  
(c) make use of any such information,

other than for a permitted purpose construed in accordance with paragraph (3).

(3) The “permitted purpose”—

- (a) where the copy was supplied or the information obtained in pursuance of a relevant provision, means the particular purpose for which the copy was supplied or the information disclosed to the person in question pursuant to the relevant provision;  
(b) where the copy was not supplied or the information was not disclosed in pursuance of a relevant provision—

(i) in the case of a person to whom the copy of the full register was made available for inspection under supervision in accordance with regulations 43(1)(a), 96(2)(a) and (3), 98(4)(a) and 108A(6)(a) and (b), does not include direct marketing within the meaning of section 11(3) of the Data Protection Act 1998; and

(ii) in any other case, means any purpose for which the person to whom this regulation applies could have obtained a copy of the register or the information contained in it pursuant to any enactment, including these Regulations.]

(4) In this regulation “relevant provision” means any enactment (except these Regulations) under which a copy of the full register is to be supplied or information from that register is to be disclosed for a particular purpose.

#### Textual Amendments

F7 Reg. 95(2)(3) (omitted by virtue of S.I. 2006/834, reg. 13(2)) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 13(3)

#### *Supply on publication and specific restrictions*

#### **Supply of free copy of full register to the National Library of Scotland and the British Library and restrictions on use**

96.—(1) Each registration officer shall supply, free of charge and on publication<sup>F8</sup>...—

- (a) [F9one printed copy and one data copy of] any revised version of the register published under section 13(1) or (3) of the 1983 Act(7), and  
(b) [F10one printed copy of] any list of overseas electors,

to the National Library of Scotland and the British Library.

(2) [F11Subject to paragraph (5)] no person employed by the National Library of Scotland or the British Library may—

(7) Sections 7 and 7A were substituted and inserted by sections 4 and 5 of the 2000 Act.

- (a) supply a copy of the full register other than to another such person or to a person using the Library to inspect it under supervision;
- (b) disclose any information contained in it (that is not contained in the edited register) otherwise than in accordance with paragraph (3) below, or
- (c) make use of any such information.

(3) [<sup>F12</sup>Subject to paragraph (5)] no information which is contained in the full register (that is not contained in the edited register) may be disclosed otherwise than by allowing a person using the National Library of Scotland or the British Library to inspect it under supervision.

[<sup>F13</sup>(3A) Where a copy of the full register is made available for inspection by providing the register on a computer screen or otherwise in data form, the National Library of Scotland and the British Library 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.]

(4) A person who inspects the copy of the full register held by the National Library of Scotland or the British Library [<sup>F14</sup>, whether a printed copy or in data form,] may not—

- (a) make copies of any part of it, or
- (b) record any particulars included in it,

except by means of hand-written notes.

[<sup>F15</sup>(5) A person employed by the National Library of Scotland or the British Library is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—

- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(6) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (5) may—

- (a) supply a copy of it,
- (b) disclose any such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.

(7) For the avoidance of doubt, and without prejudice to the generality of regulation 92(4), the restrictions on use imposed by paragraphs (2) to (4) and (6), and the removal of prohibition provided for by paragraph (5), shall apply to any copy of a register and to any copy of a list of overseas electors supplied to the National Library of Scotland in terms of regulation 97B of the Representation of the People (England and Wales) Regulations 2001.]

#### Textual Amendments

- F8** Words in [reg. 96\(1\)](#) omitted (23.3.2006) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), [14\(2\)\(a\)](#)
- F9** Words in [reg. 96\(1\)\(a\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), [14\(2\)\(b\)](#)

**Status:** Point in time view as at 31/03/2009.

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- F10** Words in reg. 96(1)(b) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **14(2)(c)**
- F11** Words in reg. 96(2) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **14(3)**
- F12** Words in reg. 96(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **14(4)**
- F13** Reg. 96(3A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **14(5)**
- F14** Words in reg. 96(4) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **14(6)**
- F15** Reg. 96(5)-(7) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **14(7)**

### Supply of free copy of full register for electoral purposes and restrictions on use

- 97.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of—
- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act, and
  - (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [<sup>F16</sup>, (3B) or (3D)] of that Act,

to the returning officer for the council or, as the case may be, each council constituted under section 2 of the Local Government etc (Scotland) Act 1994<sup>(8)</sup> for his registration area.

(2) In paragraph (1) above the duty to supply one copy of the register is a duty to supply it in data form unless, prior to publication, the returning officer to whom it is to be supplied has requested in writing a printed copy instead.

(3) As soon as practicable after the relevant event, the registration officer shall supply free of charge to a returning officer for any constituency wholly or partly in his registration area as many printed copies of—

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act, as the case may be;
- (b) any notice setting out an alteration to that version of the register published under section 13A(2) or 13B(3) [<sup>F17</sup>, (3B) or (3D)] of that Act, and
- (c) the most recent list of overseas electors,

as the returning officer may reasonably require for the purposes of a parliamentary election.

(4) In paragraph (3) above—

- (a) “relevant event” means—
  - (i) the announcement of Her Majesty’s intention to dissolve Parliament, or
  - (ii) the occurrence of a vacancy in the relevant constituency; and
- (b) the duty to supply as many printed copies of the register, notices and list of overseas electors as the returning officer may reasonably require includes a duty to supply one copy of each in data form.

(5) As soon as practicable after the relevant date, a registration officer shall supply free of charge to the returning officer for the council or, as the case may be, each council, constituted under section 2 of the Local Government etc (Scotland) Act 1994 for his registration area as many printed copies of the documents referred to in paragraph (3)(a), (b) and (c) above as the returning officer may reasonably require for the purposes of a European Parliamentary election.

<sup>(8)</sup> Section 10A was inserted by Schedule 1 to the 2000 Act.

- (6) In paragraph (5) above—
- (a) “relevant date” means—
- (i) in the case of a general election of MEPs the date which is two months before the day appointed by order of the Secretary of State for the poll, or
  - (ii) where the Secretary of State has made an order appointing a day for the poll at a by-election, the date on which that order was made; and
- (b) the duty to supply as many printed copies of the register, notices and list of overseas electors as the returning officer may reasonably require includes a duty to supply one of each in data form.
- (7) No person to whom a copy of the register has been supplied under this regulation may—
- (a) supply a copy of the full register;
  - (b) disclose any information contained in it (that is not contained in the edited register), or
  - (c) make use of any such information,
- except for the purposes of an election.

#### Textual Amendments

- F16** Words in [reg. 97\(1\)\(b\)](#) 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\(1\), 27](#)
- F17** Words in [reg. 97\(3\)\(b\)](#) 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\(1\), 27](#)

#### [<sup>F18</sup>Supply of free copy of full register for elections of members of National Park authorities and restrictions on use

**97A.**—(1) A registration officer shall supply, free of charge and as soon as reasonably practicable in response to a written request, as many printed copies of—

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act, as the case may be;
- (b) any notice setting out an alteration to the version of the register published under section 13A(2) or 13B(2) of that Act,

as a returning officer for the council or, as the case may be, each council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 may require for the purposes of any election of members of a National Park authority designated by an Order under the National Parks (Scotland) Act 2000 for his registration area.

(2) The duty to supply as many printed copies of the register and notices as the returning officer may reasonably require includes a duty to supply one copy of each in data form.

- (3) No person to whom a copy of the register has been supplied under this paragraph may—
- (a) supply a copy of the full register;
  - (b) disclose any information contained in it (that is not contained in the edited register); or
  - (c) make use of any such information,

except for the purposes of an election.]



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### Textual Amendments

**F18** Reg. 97A inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), 15

### Supply of free copy of full register etc to <sup>F19</sup>Statistics Board] and restrictions on use

- 98.—(1) Each registration officer shall supply, free of charge and on publication, one copy of—
- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
  - (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) <sup>F20</sup>, (3B) or (3D)] of that Act;
  - (c) any list of overseas electors,

to the <sup>F21</sup>Statistics Board] (in this regulation referred to as <sup>F21</sup>“the Board”) <sup>F22</sup>and the General Register Office for Scotland (in this regulation referred to as “GROS”) respectively].

(2) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, <sup>F23</sup>the Board][<sup>F24</sup>or GROS] has requested in writing a printed copy instead.

- (3) <sup>F25</sup>Subject to paragraph (6)] no person employed by <sup>F26</sup>the Board][<sup>F27</sup>or GROS] may—
- (a) supply a copy of the full register other than to another such person;
  - (b) disclose any information contained in it (that is not contained in the edited register) otherwise than in accordance with paragraph (4) below, or
  - (c) make use of any such information other than for statistical purposes.

(4) <sup>F28</sup>Subject to paragraph (6)] no information which is contained in the full register (that is not contained in the edited register) may be disclosed otherwise than—

- (a) by allowing a person using the premises of <sup>F29</sup>the Board][<sup>F30</sup>or GROS] to inspect it under supervision, and
- (b) by publishing information about electors which does not include the name or address of any elector.

[<sup>F31</sup>(4A) Where a copy of the full register is made available by providing the register on a computer screen or otherwise in data form, <sup>F32</sup>the Board] and GROS 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.]

(5) A person who inspects the full register <sup>F33</sup>, whether a printed copy or in data form,] may not—

- (a) make copies of any part of it, or
- (b) record any particulars included in it,

except by means of hand-written notes.

[<sup>F34</sup>(6) A person employed by <sup>F35</sup>the Board] or GROS is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—

- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and



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(b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(7) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (6) may—

- (a) supply a copy of it,
- (b) disclose any such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.]

### Textual Amendments

- F19** Words in reg. 98 heading substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(1)**
- F20** Words in reg. 98(1)(b) 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), **27**
- F21** Words in reg. 98(1) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(2)(a)**
- F22** Words in reg. 98(1) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(2)**
- F23** Words in reg. 98(2) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(2)(b)**
- F24** Words in reg. 98(2) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(3)**
- F25** Words in reg. 98(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(4)(a)**
- F26** Words in reg. 98(3) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(2)(b)**
- F27** Words in reg. 98(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(4)(b)**
- F28** Words in reg. 98(4) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(5)(a)**
- F29** Words in reg. 98(4)(a) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(2)(b)**
- F30** Words in reg. 98(4)(a) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(5)(b)**
- F31** Reg. 98(4A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(6)**
- F32** Words in reg. 98(4A) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(2)(b)**
- F33** Words in reg. 98(5) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(7)**
- F34** Reg. 98(6)(7) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **16(8)**
- F35** Words in reg. 98(6) substituted (17.3.2009) by The Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regs. 1(1), **15(2)(b)**

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### Supply of free copy of full register etc to Electoral Commission and restrictions on use

- 99.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of—
- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
  - (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [<sup>F36</sup>, (3B) or (3D)] of that Act, and
  - (c) any list of overseas electors,

to the Electoral Commission (in this regulation referred to as “the Commission”).

(2) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, the Commission has requested in writing a printed copy instead.

- (3) Neither an Electoral Commissioner nor any person employed by the Commission may—
- (a) supply a copy of the full version of the register otherwise than to another Electoral Commissioner or another such person;
  - (b) disclose any information contained in it otherwise than in accordance with paragraph (5) below; or
  - (c) make use of any such information otherwise than in connection with his functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000(9).

(4) In paragraph (3) above “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner.

(5) The full register or any information which is contained in it may not be disclosed otherwise than—

- (a) where necessary to carry out the Commission’s duties in relation to the rules on permissible donors in the Political Parties, Elections and Referendums Act 2000, or
- (b) by publishing information about electors which does not include the name or address of any elector.

#### Textual Amendments

**F36** Words in [reg. 99\(1\)\(b\)](#) 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\(1\), 27](#)

### Supply of free copy of full register etc to certain Commissions and restrictions on use

**100.**—(1) Each registration officer shall supply, free of charge and on publication, one copy of each of the documents listed in paragraph (2) below to the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland.

- (2) Those documents are—
- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
  - (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [<sup>F37</sup>, (3B) or (3D)] of that Act, and
  - (c) any list of overseas electors.

(9) Section 13 was substituted by Schedule 1 to the 2000 Act.

(3) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, the Commission to whom it is to be supplied has requested in writing a printed copy instead.

(4) In paragraph (5) below “a relevant person” means, in relation to each of the Commissions referred to in paragraph (1) above—

- (a) a member of the Commission in question;
- (b) a person appointed to assist the Commission in question to carry out its functions and
- (c) a person employed by the Commission in question.

(5) A relevant person may not—

- (a) supply a copy of the full version of the register, except to another relevant person;
- (b) disclose any information contained in it (that is not contained in the edited register), except by publishing information about electors which does not include the name and address of any elector, or
- (c) process or make use of any such information, except in connection with his statutory functions.

#### **Textual Amendments**

**F37** Words in [reg. 100\(2\)\(b\)](#) 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\(1\), 27](#)

#### *Supply on request and specific restrictions*

#### **Supply of full register etc. under regulations 102 to 108: general provisions**

**101.**—(1) The persons or organisations falling within regulations 102 to 108 below may request the registration officer to supply free of charge the relevant part (within the meaning of those regulations) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [<sup>F38</sup>, (3B) or (3D)] of that Act;
- (c) a list of overseas electors.

(2) Such a request shall be made in writing and shall—

- (a) specify the documents requested;
- (b) subject to paragraph (5) below, state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication for as long as the person making the request falls within the category of person entitled to receive such copies, and
- (c) state whether a printed copy of any of the documents is requested instead of the version in data form.

(3) Unless a request has been made in advance of supply under paragraph (2)(c) above, the copy of a document supplied under this regulation shall be in data form.

(4) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) above in accordance with a request that has been duly made.

*Status: Point in time view as at 31/03/2009.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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)*

(5) A person falling within regulation 107 below may not make the request set out in paragraph (2) (b) above.

(6) A person who obtains a copy of any document under paragraph (4) above may use it for any purpose for which that person would be entitled to obtain that document under these Regulations and any restrictions which apply under whichever of [<sup>F39</sup>regulations 102 to 107 or 108] entitles that person to obtain that document for that purpose shall apply to such use.

#### Textual Amendments

- F38** Words in [reg. 101\(1\)\(b\)](#) 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\(1\), 27](#)
- F39** Words in [reg. 101\(6\)](#) substituted (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), [s. 100\(5\)](#), [Sch. 1 para. 3\(3\)](#) (with [s. 101\(5\)](#)); [S.I. 2008/3296](#), [art. 2](#)

#### Supply of full register etc. to elected representatives for electoral purposes and restrictions on use

**102.**—(1) This regulation applies to—

- (a) the Member of Parliament for any constituency wholly or partly within the registration area;
- (b) each Member of the European Parliament for an electoral region in which the registration area is situated;
- (c) each councillor for an electoral ward falling within the registration area.

(2) For the purposes of regulation 101(1) above the relevant part of the documents listed in that provision—

- (a) in the case of a Member of Parliament, is so much of them as relates to the whole or any part of the constituency which he represents as falls within the registration area;
- (b) in the case of a Member of the European Parliament, is the whole of them;
- (c) in the case of a councillor for an electoral ward, is so much of them as relates to that ward;

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

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

except for purposes in connection with the office by virtue of which he is entitled to the full register or for electoral purposes.

#### Supply of full register to holders of relevant elective offices and candidates

**103.**—(1) This regulation applies to—

- (a) the holder of a relevant elective office within the meaning of paragraph 1(8) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000;
- (b) a candidate for election at a Parliamentary or local government election.

(2) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is the whole of them.

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any information,

except for the purpose set out in paragraph (4) below.

(4) That purpose is the purpose of complying with the controls on donations contained in Schedule 7 to the Political Parties, Elections and Referendums Act 2000 or Schedule 2A to the 1983 Act<sup>(10)</sup>, as the case may be.

### **Supply of full register etc. to local constituency parties and restrictions on use**

**104.**—(1) This regulation applies to any person nominated to act for the purposes of this regulation for a particular constituency by the registered nominating officer (within the meaning of section 24 of the Political Parties, Elections and Referendums Act 2000) of a registered political party.

(2) Not more than one person for the same constituency may be nominated under paragraph (1) above in respect of the same registered party and registration area.

(3) In the case of a person to whom this regulation applies, the relevant part of the documents listed in regulation 101(1) above is so much of them as relates to the constituency in question.

(4) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any such information,

except for electoral purposes or the purposes of electoral registration.

### **Supply of full register etc. to registered political parties etc. and restrictions on use**

**105.**—(1) This regulation applies to—

- (a) a registered political party other than a minor party, within the meaning of section 160(1) of the Political Parties, Elections and Referendums Act 2000;
- (b) a recognised third party within the meaning of section 85(5) of that Act, other than a registered political party; and
- (c) a permitted participant within the meaning of section 105(1) of that Act, other than a registered political party.

(2) In the case of the parties and participants to whom this regulation applies, the relevant part of the documents listed in regulation 101(1) above is the whole of them.

(3) No person employed by, or assisting (whether or not for reward), a party or participant to which this regulation applies and to which a copy of the register has been supplied may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any information,

except for the purposes set out in paragraph (4) below.

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<sup>(10)</sup> Sections 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

*Status: Point in time view as at 31/03/2009.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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)*

- (4) Those purposes are—
- (a) in the case of a party falling within paragraph (1)(a) or (b) above—
    - (i) electoral purposes, and
    - (ii) the purpose of complying with the controls on donations under Part IV of or, as the case may be, Schedule 11 to, the Political Parties, Elections and Referendums Act 2000; and
  - (b) in the case of a permitted participant within the meaning of section 105(1) of that Act—
    - (i) purposes in connection with the campaign in respect of the referendum identified in the declaration made by the participant under section 106 of that Act, and
    - (ii) the purposes of complying with the controls on donations in Schedule 15 to that Act.

#### **Supply of full register etc. to certain councils and restrictions on use**

**106.**—(1) Paragraphs 2 and 3 of this regulation apply to the council by which the registration officer was appointed.

(2) For the purposes of regulation 101(1) above the relevant part of the documents listed in that provision is the whole of them.

- (3) No councillor or employee of the council may—
- (a) supply a copy of the full register to any person other than to another such councillor or employee;
  - (b) disclose any information contained in it that is not included in the edited register, or
  - (c) make use of any such information,

except for the discharge of a statutory function of the council relating to security, law enforcement and crime prevention [<sup>F40</sup>, or for the purposes of a local referendum being conducted by the returning officer or] or for statistical purposes (in which case no information shall be disclosed which includes the name and address of any elector whether that name or address appears in the edited register or only in the full register).

[<sup>F41</sup>(3A) In paragraph (3) “the returning officer” means the returning officer appointed for the council’s area under section 41 of the 1983 Act.]

(4) Paragraphs (5) and (6) of this regulation apply to community councils established under section 51 of the Local Government (Scotland) Act 1973(**11**) for the area of the council by which the registration officer was appointed.

(5) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is so much of them as relates to the area of the community council concerned.

(6) No community councillor or person employed by or otherwise assisting (whether or not for reward) a community council and to whom a copy of the register has been supplied may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it that is not included in the edited register, or
- (c) make use of any such information,

except for the purpose of establishing whether any person is entitled to attend and participate in a meeting of the community council, or for electoral purposes in relation to that council.

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

#### Textual Amendments

- F40** Words in [reg. 106\(3\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **17(2)**
- F41** [Reg. 106\(3A\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **17(3)**

### Supply of full register etc, to certain candidates and restrictions on use

**107.**—(1) This regulation applies to a candidate at—

- (a) a parliamentary or European Parliamentary election, and
- (b) a local government election,

where any part of the area in respect of which the candidate stands for election includes the whole or part of a registration area.

(2) In this regulation “candidate” includes an individual candidate at a European parliamentary election.

(3) In the case of a registered political party which submits a list of candidates at a European Parliamentary election, the entitlement otherwise conferred by this regulation on a candidate is conferred on the election agent of that party.

(4) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is so much of them as relates to the area for which the candidate is standing.

(5) No candidate or election agent to whom a copy of the register has been supplied by virtue of this regulation may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any such information,

except for electoral purposes.

### [<sup>F42</sup>Supply of full register etc to the security services

**107A.**—(1) This regulation applies to—

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

(2) For the purposes of regulation 101(1) above the relevant part of the documents listed in that provision is the whole of them.]

#### Textual Amendments

- F42** [Reg. 107A](#) inserted (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), **Sch. 1 para. 3(4)** (with s. 101(5)); [S.I. 2008/3296](#), art. 2

### Supply of full register etc to police forces [<sup>F43</sup> and other agencies,] and restrictions on use

**108.**—(1) This regulation applies to—

- (a) a police force in Great Britain;



**Status:** Point in time view as at 31/03/2009.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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 Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
  - [<sup>F44</sup>(c) the Serious Organised Crime Agency;]
  - (e) the Police Information Technology Organisation; <sup>F45</sup> ...
  - (f) any body of constables established under an enactment.
  - <sup>F46</sup>(g) .....
  - <sup>F46</sup>(h) .....
  - <sup>F46</sup>(i) .....
- (2) For the purposes of regulation 101(1) above, the relevant part of the documents listed in that provision is the whole of them.
- (3) No person serving whether as a constable, officer or employee in any of the forces and organisations to which this regulation applies may—
- (a) supply a copy of the full register to any person,
  - (b) disclose any information contained in it, or
  - (c) make use of any such information,
- except for the [<sup>F47</sup> purposes specified in paragraph (4)].
- [
- <sup>F48</sup>(4) The purposes referred to in paragraph (3) are—
- (a) <sup>F49</sup> ...
    - (i) the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
    - (ii) the vetting of a relevant person for the purpose of safeguarding national security; <sup>F50</sup> ...
  - <sup>F50</sup>(b) .....
- (5) In this Regulation “relevant person” means—
- (a) a constable or officer or prospective constable or officer of the force or organisation; or
  - (b) an employee of, or applicant for employment by, the force or organisation.]

Textual Amendments	
<b>F43</b>	Words in <a href="#">reg. 108 heading</a> inserted (23.3.2006) by <a href="#">The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834)</a> , regs. 1(1), <b>18(2)</b>
<b>F44</b>	<a href="#">Reg. 108(1)(c)</a> substituted for <a href="#">reg. 108(1)(c)(d)</a> (1.4.2006) by <a href="#">The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594)</a> , art. 1, <b>Sch. para. 26</b>
<b>F45</b>	Word in <a href="#">reg. 108(1)(e)</a> omitted (23.3.2006) by virtue of <a href="#">The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834)</a> , regs. 1(1), <b>18(3)(a)</b>
<b>F46</b>	<a href="#">Reg. 108(1)(g)-(i)</a> revoked (24.12.2008) by <a href="#">Counter-Terrorism Act 2008 (c. 28)</a> , s. 100(5), Sch. 1 para. 3(5)(a), <b>Sch. 9 Pt. 2</b> (with s. 101(5)); S.I. 2008/3296, art. 2
<b>F47</b>	Words in <a href="#">reg. 108(3)</a> substituted (23.3.2006) by <a href="#">The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834)</a> , regs. 1(1), <b>18(4)</b>
<b>F48</b>	<a href="#">Reg. 108(4)(5)</a> inserted (23.3.2006) by <a href="#">The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834)</a> , regs. 1(1), <b>18(5)</b>

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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)

- F49** Words in reg. 108(4)(a) revoked (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 3(5)(b), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2
- F50** Reg. 108(4)(b) and word revoked (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 3(5)(c), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2

### **[<sup>F51</sup>Supply of full register to statutory library authorities and local authority archives services, and restrictions on use**

**108A.**—(1) A statutory library authority or local authority archives service may request the registration officer to supply free of charge the relevant part (within the meaning of paragraph (2)) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) [<sup>F52</sup>, (3B) or (3D)] of that Act;
- (c) a list of overseas electors.

(2) For the purposes of paragraph (1) the relevant part of the documents listed in that provision is so much of them as a statutory library authority or local authority archives service has been given responsibility for keeping by a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(3) Such a request shall be made in writing and shall—

- (a) specify the documents requested;
- (b) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication; and
- (c) state whether a printed copy of any of the documents is requested instead of the version in data form.

(4) Unless a request has been made in advance of supply under paragraph (3)(c), the copy of a document supplied under this regulation shall be in data form.

(5) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) in accordance with a request that has been duly made.

(6) Subject to paragraph (9), no person employed by the statutory library authority or local authority archives service may—

- (a) supply a copy of the full register other than to another such person or to a person using the library or the archives service to inspect it under supervision;
- (b) disclose any information contained in it (that is not contained in the edited register) otherwise than by allowing a person using the library or the archives service to inspect it under supervision; or
- (c) make use of any such information.

(7) Where a copy of the full register is made available for inspection in accordance with paragraph (6)(a) or (b) by providing the register on a computer screen or otherwise in data form, the statutory library authority or local authority archives service 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 means.

(8) A person who inspects a copy of the full register, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or

**Status:** Point in time view as at 31/03/2009.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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) record any particulars in it,  
otherwise than by means of hand-written notes.
- (9) The statutory library authority or local authority archives service is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—
- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
  - (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.
- (10) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (9) may—
- (a) supply a copy of it,
  - (b) disclose such information, or
  - (c) make use of any such information,
- otherwise than for research purposes in compliance with the relevant conditions.
- (11) In this regulation—
- “statutory library authority” has the same meaning as in section 5 of the Public Libraries (Scotland) Act 1955;
- “local authority archives service” means an archives service of a council established under the Local Government etc. (Scotland) Act 1994.]

#### Textual Amendments

- F51** Reg. 108A inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **19**
- F52** Words in [reg. 108A\(1\)\(b\)](#) 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), **27**

### *Sale of edited and full registers and specified restrictions*

#### **Sale of edited register**

**109.**—(1) The registration officer shall supply a copy (or copies) of the edited register to any person on payment of a fee calculated in accordance with paragraph (2) below.

- (2) In the case of the register—
- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
  - (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

#### **Sale of full register etc: restrictions on supply, charges, etc**

- 110.**—(1) The registration officer may not sell a copy of—
- (a) the full register,

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(b) any notice under section 13A(2) or 13B(3) [<sup>F53</sup>, (3B) or (3D)] of the 1983 Act altering the register (“a relevant notice”), or

(c) the list of overseas electors,

except to a person who is entitled under regulation 112 or 113 below to purchase them.

(2) The fee for such sale shall be calculated in accordance with paragraphs (3) to (6) below.

(3) Where a person purchases the full register together with any relevant notices which are published at that time altering the register, the register and the notices shall be treated as the same document for the purposes of the calculations set out in paragraph (5) below; and any entry in the register which is deleted by a notice shall accordingly be ignored for the purposes of the calculation.

(4) Where a person purchases a relevant notice separately from the full register, the calculations set out in paragraph (5) below shall be applied to that notice.

(5) Subject to paragraph (3) above, in the case of the register or a relevant notice—

(a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

(6) In the case of the list of overseas electors—

(a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 100 entries (or remaining part of 100 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 100 entries (or remaining part of 100 entries) in it.

(7) In any copy of the full register [<sup>F54</sup> or any copy of a notice under section 13A(2) or 13B(3) [<sup>F55</sup>, (3B) or (3D)] of the 1983 Act] which is sold in accordance with regulations 111 to 113 below, the letter “Z” shall be placed against the [<sup>F56</sup> entry] of any person whose [<sup>F56</sup> entry] is not included in the edited version of the register.

#### Textual Amendments

**F53** Words in [reg. 110\(1\)\(b\)](#) 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\(1\), 27](#)

**F54** Words in [reg. 110\(7\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), [regs. 1\(1\), 20](#)

**F55** Words in [reg. 110\(7\)](#) 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\(1\), 27](#)

**F56** Word in [reg. 110\(7\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 16](#)

#### Sale of full register etc: general provisions

**111.**—(1) This regulation applies in respect of the supply on payment of a fee of copies of the full register, including any notice published under section 13A(2) or 13B(3) [<sup>F57</sup>, (3B) or (3D)] of the 1983 Act altering that register, in accordance with regulation 112 or 113 below.

(2) The registration officer shall not supply a printed copy of the full register under either of those regulations if to do so would result in him having insufficient copies of it for the purposes of any requirement made by or under any enactment.

**Status:** Point in time view as at 31/03/2009.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART 6 is up to date with all changes known to be in force on or before 18 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)

(3) In those regulations “the relevant restrictions” means the restrictions set out in paragraphs (4) and (5) below.

(4) No person in an organisation to which a copy of the register has been supplied under regulation 112 or 113 below may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (that is not contained in the edited register); or
- (c) make use of any such information,

except for the purpose set out in the regulation by virtue of which the full register has been supplied.

(5) The restrictions in paragraph (4) above apply to a person to whom a copy of the full register has been supplied in accordance with regulation 112 or 113 below or to whom information contained in it has been so disclosed as it applies to a person in the organisation to which the copy of the full register was supplied under the regulation in question.

(6) In this regulation and regulations 112 and 113 below, “a relevant document” means—

- (a) the full register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice published under section 13A(2) or 13B(3) [<sup>F58</sup>, (3B) or (3D)] of that Act amending it, and
- (c) the list of overseas electors.

(7) A request to purchase a relevant document must be made in writing and must—

- (a) specify the documents required;
- (b) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent documents on publication for as long as the person making the request pays for them; and
- (c) state whether a printed copy of any document is requested instead of the version in data form.

#### Textual Amendments

**F57** Words in [reg. 111\(1\)](#) 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\(1\), 27](#)

**F58** Words in [reg. 111\(6\)\(b\)](#) 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\(1\), 27](#)

#### Sale of full register to government departments [<sup>F59</sup> and other bodies]

**112.**—(1) Subject to regulation 111(2) above, the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 110 above a copy (or copies) of a relevant document [<sup>F60</sup> to—

- (a) a government department;
- (b) the Scottish Environment Protection Agency;
- (c) the Financial Services Authority; or
- (d) a body not falling within sub paragraphs (a) to (c) which carries out the vetting of any person for the purpose of safeguarding national security,

other than [<sup>F61</sup>a department to which regulation 107A applies or] a force or organisation to which regulation 108(1) applies.]

[<sup>F62</sup>(2) For the purposes of regulation 111(3), the relevant restrictions apply—

- (a) in the case of a body falling within sub paragraphs (a) to (c) of paragraph (1), except for the purpose of—
  - (i) the administration of justice, the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
  - (ii) the vetting of employees and applicants for employment where such vetting is required pursuant to any enactment;
  - (iii) the vetting of any person where such vetting is for the purpose of safeguarding national security; or
  - (iv) supply and disclosure in accordance with paragraphs (3) to (6); and
- (b) in the case of a body falling within sub paragraph (d) of paragraph (1), except for the purpose of the vetting of any person where such vetting is for the purpose of safeguarding national security.]

(3) A government department [<sup>F63</sup>, other than one mentioned in [<sup>F64</sup>regulation 107A]] may supply (whether or not on payment) a copy of the full register to a person (“an authorised person”) who may only disclose information contained in it in accordance with paragraph (5) below.

(4) In this regulation any reference to an authorised person includes a reference to his employees.

(5) Information contained in the full register (and not contained in the edited register) may not be disclosed by an authorised person except to any person falling within regulations 102 to 107 above and for use for the purposes for which such a person could obtain the full register under the regulation concerned.

(6) The restrictions in regulations 102 to 107 above respectively apply to a person to whom information contained in the full register is disclosed under paragraph (5) above as they apply to a person to whom a copy of the register is supplied under those regulations.

(7) In this regulation “government department” includes the Scottish Administration.

#### Textual Amendments

- F59** Words in [reg. 112 heading](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **21(2)**
- F60** Words in [reg. 112\(1\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **21(3)**
- F61** Words in [reg. 112\(1\)](#) inserted (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), **Sch. 1 para. 3(6)(a)** (with s. 101(5)); S.I. 2008/3296, art. 2
- F62** [Reg. 112\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **21(4)**
- F63** Words in [reg. 112\(3\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **21(5)**
- F64** Words in [reg. 112\(3\)](#) substituted (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), **Sch. 1 para. 3(6)(b)** (with s. 101(5)); S.I. 2008/3296, art. 2

#### Sale of full register to credit reference agencies

**113.—**(1) Subject to regulation 111(2) above, the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 110 above a copy (or copies) of a



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relevant document to a credit reference agency registered under Part III of the Consumer Credit Act 1974(12) (by virtue of section 147 of that Act) and which is carrying on the business of providing credit reference services.

(2) For the purposes of regulation 111(3) above, the relevant restrictions apply except for the purposes set out in paragraph (3) below.

(3) Those purposes are:

- (a) vetting applications for credit or applications that can result in the giving of credit or the giving of any guarantee, indemnity or insurance in relation to the giving of credit;
- (b) meeting any obligations contained in the Money Laundering Regulations [F652003]F66... or any regulations amending or replacing them, or any rules made pursuant to section 146 of the Financial Services and Markets Act 2000(13);
- (c) statistical analysis of credit risk assessment in a case where no person whose details are included in the full register is referred to by name or necessary implication.

(4) The registration officer may require a credit reference agency to provide such evidence that it is carrying on the business of providing credit reference services as he shall reasonably require.

(5) In this regulation—

“application for credit” includes an application to refinance or reschedule an existing credit agreement;

“credit” includes a cash loan and any other form of financial accommodation;

“credit reference services” means the furnishing of persons with information relevant to the financial standing of individuals, which is information collected by the person furnishing it for the purpose of so furnishing it.

**Textual Amendments**

**F65** Word in reg. 113(3)(b) substituted (1.3.2004) by [The Money Laundering Regulations 2003 \(S.I. 2003/3075\)](#), reg. 1(2)(d), [Sch. 2 para. 7\(2\)\(i\)](#)

**F66** Words in reg. 113(3)(b) omitted (1.3.2004) by virtue of [The Money Laundering Regulations 2003 \(S.I. 2003/3075\)](#), reg. 1(2)(d), [Sch. 2 para. 7\(2\)\(ii\)](#)

**Supply of register to processor**

**114.**—(1) In this Part, “processor” means a person who provides a service which consists of putting information into data form and any reference to a processor includes a reference to his employees.

(2) A person who has obtained [F67or is entitled to obtain] a copy of the full register under regulation 98, 100, 101, 103, 105, 106, 109, [F68112 or 113] may—

- (a) supply a copy of the full register to a processor for the purpose of processing the information contained in the register,
- (b) request a processor to process and provide to him any copy of the register which the processor has obtained under these Regulations,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

F69(3) .....

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

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



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(4) A processor may not disclose the full register or the information contained in it except to the person who supplied it to the processor or any other person, or an employee of such a person, who is entitled to obtain a copy of the full register under these Regulations.

#### Textual Amendments

- F67** Words in [reg. 114\(2\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **22(2)**
- F68** Words in [reg. 114\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **22(3)**
- F69** [Reg. 114\(3\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **45**

### Offences

#### [<sup>F70</sup> Offences in respect of contravention of Parts III, IV and VI

- 115.**—(1) A person is guilty of an offence—
- (a) if he contravenes any of the provisions specified in paragraph (2); or
  - (b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.
- (2) Those provisions are regulations [45C\(4\)](#), <sup>F71</sup>... [45E\(3\)](#), [61\(3\)](#) and (14), [94\(3\)](#), [95\(2\)](#), [96\(2\)](#), (4) and (6), [97\(7\)](#), [97A\(3\)](#), [98\(3\)](#), (5) and (7), [99\(3\)](#) and (5), [100\(5\)](#), [102\(3\)](#), [103\(3\)](#), [104\(4\)](#), [105\(3\)](#), [106\(3\)](#) and (6), [107\(5\)](#), [108\(3\)](#), [108A\(6\)](#), (8) and (10), [111\(4\)](#) and (5), [112\(5\)](#) and (6) and [114\(4\)](#).
- (3) P is not guilty of an offence under paragraph (1) if—
- (a) he has an appropriate supervisor; and
  - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in paragraph (2).
- (5) In paragraphs (1)(b) and (3)—
- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
  - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).
- (6) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]]

#### Textual Amendments

- F70** [Reg. 115](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **46**
- F71** Word in [reg. 115\(2\)](#) revoked (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), Sch. 1 para. 3(7), **Sch. 9 Pt. 2** (with s. 101(5)); S.I. 2008/3296, art. 2

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