

*Status: Point in time view as at 21/06/2013.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Sale of edited and full registers and specified restrictions is up to date with all changes known to be in force on or before 02 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)*

## STATUTORY INSTRUMENTS

# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

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

#### SUPPLY OF REGISTER ETC

*[<sup>F1</sup>Sale of edited and full registers and specified restrictions*

#### 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

#### 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,
- (b) any notice under section 13A(2) or 13B(3) [<sup>F2</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—

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- (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>F3</sup>or any copy of a notice under section 13A(2) or 13B(3) [<sup>F4</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>F5</sup>entry] of any person whose [<sup>F5</sup>entry] is not included in the edited version of the register.

#### Textual Amendments

- F2** 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](#)
- F3** 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](#)
- F4** 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](#)
- F5** 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>F6</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.

(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.

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- (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>F7</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

- F6** 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](#)
- F7** 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>F8</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>F9</sup> to—

- (a) a government department;
  - (b) the Scottish Environment Protection Agency;
  - (c) the [<sup>F10</sup> Financial Conduct Authority;]
- [<sup>F11</sup>(ca) the Prudential Regulation 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>F12</sup> a department to which regulation 107A applies or] a force or organisation to which regulation 108(1) applies.]
- [<sup>F13</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

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- (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>F14</sup>, other than one mentioned in [<sup>F15</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

- F8** 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)**
- F9** 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)**
- F10** Words in reg. 112(1)(c) substituted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), reg. 1(1), **Sch. 2 para. 34(a)(i)**
- F11** Reg. 112(1)(ca) inserted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), reg. 1(1), **Sch. 2 para. 34(a)(ii)**
- F12** 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
- F13** 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)**
- F14** 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)**
- F15** 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 relevant document to a credit reference agency registered under Part III of the Consumer Credit Act 1974(1) (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;

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

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- (b) meeting any obligations contained in the Money Laundering Regulations [F162007]F17 ... or any regulations amending or replacing them, [F18or any rules made by the Financial Conduct Authority under section 137A of the Financial Services and Markets Act 2000 which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons];
  - (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**

**F16** Word in reg. 113(3)(b) substituted (15.12.2007) by [The Money Laundering Regulations 2007 \(S.I. 2007/2157\)](#), reg. 1(1), **Sch. 6 para. 9**

**F17** 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)**

**F18** Words in reg. 113(3)(b) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), reg. 1(1), **Sch. 2 para. 34(b)**

**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 [F19or is entitled to obtain] a copy of the full register under regulation 98, 100, 101, 103, 105, 106, 109, [F20112 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).

F21(3) .....

(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.]

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### Textual Amendments

- F19** 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)**
- F20** 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)**
- F21** [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**

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