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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

*[<sup>F1</sup>Supply on publication and specific 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

**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>F2</sup>...—

- (a) [<sup>F3</sup>one printed copy and one data copy of] any revised version of the register published under section 13(1) or (3) of the 1983 Act<sup>(1)</sup>, and
- (b) [<sup>F4</sup>one printed copy of] any list of overseas electors,

to the National Library of Scotland and the British Library.

(2) [<sup>F5</sup>Subject to paragraph (5)] no person employed by the National Library of Scotland or the British Library may—

- (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>F6</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.

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<sup>F7</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

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

**Status:** Point in time view as at 27/06/2020.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: Supply on publication and specific restrictions is up to date with all changes known to be in force on or before 17 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) 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>F8</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>F9</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 [<sup>F10</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(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 [<sup>F10</sup>Article 89 GDPR purposes in accordance with the relevant requirement].

(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

- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** Words in reg. 96(5)(6) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 274** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

## 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) [F11 13AB(2),] or 13B(3) [F12, (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(2) 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) [F13 13AB(2),] or 13B(3) [F14, (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) [F15 the dissolution of Parliament in accordance with section 3(1) of the Fixed-term Parliaments Act 2011], 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.

(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;

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(2) Section 10A was inserted by Schedule 1 to the 2000 Act.

**Status:** Point in time view as at 27/06/2020.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: Supply on publication and specific restrictions is up to date with all changes known to be in force on or before 17 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) 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

- F11** Word in reg. 97(1)(b) inserted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(4), **44**
- F12** 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**
- F13** Word in reg. 97(3)(b) inserted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(4), **44**
- F14** 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**
- F15** Words in reg. 97(4)(a)(i) substituted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(4), **43**

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

- C1** Reg. 97 modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 54**

### [<sup>F16</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) [<sup>F17</sup>13AB(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.]

#### Textual Amendments

- F16** Reg. 97A inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **15**

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: Supply on publication and specific restrictions is up to date with all changes known to be in force on or before 17 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)

**F17** Word in reg. 97A(1)(b) inserted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(4), 44

### Supply of free copy of full register etc to [F18Statistics 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) [F1913AB(2),] or 13B(3) [F20, (3B) or (3D)] of that Act;
  - (c) any list of overseas electors,

to the [F21Statistics Board] (in this regulation referred to as [F21“the Board”]) [F22and 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, [F23the Board][F24or GROS] has requested in writing a printed copy instead.

- (3) [F25Subject to paragraph (6)] no person employed by [F26the Board][F27or 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) [F28Subject 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 [F29the Board][F30or GROS] to inspect it under supervision, and
- (b) by publishing information about electors which does not include the name or address of any elector.

[F31(4A) Where a copy of the full register is made available by providing the register on a computer screen or otherwise in data form, [F32the 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 [F33, 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.

[F34(6) A person employed by [F35the 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
- (b) the supply or disclosure is for [F36Article 89 GDPR purposes in accordance with the relevant requirement].

**Status:** Point in time view as at 27/06/2020.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: Supply on publication and specific restrictions is up to date with all changes known to be in force on or before 17 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)

(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 [<sup>F36</sup>Article 89 GDPR purposes in accordance with the relevant requirement].]

### Textual Amendments

- F18** 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)**
- F19** Word in [reg. 98\(1\)\(b\)](#) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(4), **44**
- 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)**
- F36** Words in [reg. 98\(6\)\(7\)](#) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 275** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

## 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) [<sup>F37</sup>13AB(2),] or 13B(3) [<sup>F38</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.

[<sup>F39</sup>(2A) Each registration officer shall, if the Commission has made a written request, supply the Commission free of charge with one copy of any revised version of the register created following the publication of a notice of alteration in the register under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act.

(2B) In paragraph (2A) the duty to supply is a duty to supply in data form unless the Commission in the written request for the revised register has requested a paper 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(3).

(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

- F37** Word in reg. 99(1)(b) inserted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(4), **44**
- F38** 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**
- F39** Reg. 99(2A)(2B) inserted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(4), **45**

**Status:** Point in time view as at 27/06/2020.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, Cross Heading: Supply on publication and specific restrictions is up to date with all changes known to be in force on or before 17 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)

### 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) [F40 13AB(2),] or 13B(3) [F41, (3B) or (3D)] of that Act, and
- (c) any list of overseas electors.

(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

- F40** Word in [reg. 100\(2\)\(b\)](#) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), [regs. 1\(4\)](#), [44](#)
- F41** 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](#)



**Status:**

Point in time view as at 27/06/2020.

**Changes to legislation:**

Representation of the People (Scotland) Regulations 2001, Cross Heading: Supply on publication and specific restrictions is up to date with all changes known to be in force on or before 17 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.