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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART III

### REGISTRATION

#### *INFORMATION ABOUT ELECTORS*

#### **[<sup>F1</sup>Power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary**

**26B.**—(1) [<sup>F2</sup>Subject to paragraph (1A), this] regulation applies where a registration officer considers additional evidence is necessary to verify the identity of a person or determine their entitlement to register in respect of their application under section 10ZC or 10ZD of the 1983 Act, including where that is necessary because the person is not able to state the information required by any of sub-paragraphs (e), (f) or (g) of regulation 26(1).

[  
<sup>F3</sup>(1A) Where a person has made an application to be registered as an overseas elector under section 10ZC of the 1983 Act, this regulation only applies to the extent that a registration officer considers that additional evidence is necessary to verify the identity of the applicant (see regulations 24 and 26C to 26H for further provision in relation to overseas electors).]

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

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

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

- (a) one of the following documents, which, except in relation to paragraph (vii), must have been issued in the United Kingdom or Crown Dependencies—
  - (i) the applicant's birth certificate;
  - (ii) the applicant's marriage or civil partnership certificate;
  - (iii) the applicant's adoption certificate;
  - (iv) the applicant's firearms certificate granted under the Firearms Act 1968;

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- (v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976;
  - (vi) the applicant's driving licence, which is not in the form of a photocard; or
  - (vii) the applicant's driving licence granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom; and
- (b) two other documents, each of which may be either from sub-paragraph (a) or from paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant's full name—
- (a) a financial statement, including but not limited to—
    - (i) a mortgage statement;
    - (ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
    - (iii) a credit card statement;
    - (iv) a pension statement;
  - (b) a council tax demand letter or statement;
  - (c) a utility bill;
  - (d) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
  - (e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- [
- <sup>F4</sup>(4A) Where an application is made pursuant to an overseas elector's declaration—
- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;
  - (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies”.]
- (5) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may [<sup>F5</sup>—
- (a) except where sub-paragraph (b) applies, require the applicant give an attestation as set out in paragraph (6);
  - (b) where the application is made in pursuance of an overseas elector's declaration, require the applicant give an attestation as set out in paragraph (6ZA).]
- (6) An attestation must—
- (a) confirm that the applicant is the person named in the application;
  - (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
  - (c) be in writing and signed by a person—
    - (i) whom the registration officer is satisfied is of good standing in the community;

- (ii) who is registered as an elector [<sup>F6</sup>in a local authority area in Scotland];
  - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; <sup>F7</sup> ...
  - [<sup>F8</sup>(iv) [<sup>F9</sup>in relation to an application for registration as a local government elector,] who has not already signed attestations under this regulation for two applicants since whichever is later of—
    - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or
    - (bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued)] [<sup>F10</sup>; and
  - (v) in relation to any other application for registration to which this paragraph applies, who has not already signed a relevant identity attestation for two applicants since, whichever is the later of,—
    - (aa) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act, or
    - (bb) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued.)]
  - (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
  - (e) state the date on which it is made.
- [<sup>F11</sup>(6ZA) An attestation under this paragraph must—
- (a) confirm that the applicant is the person named in the application,
  - (b) be in writing and signed by a qualifying attester,
  - (c) state the qualifying attester’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector,
  - (d) state—
    - (i) where the qualifying attester is registered in pursuance of an overseas elector’s declaration, the attester’s British or Irish passport number together with its date and place of issue;
    - (ii) otherwise—
      - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
      - (bb) in all other cases, the qualifying attester’s electoral number,
  - (e) include an explanation as to the qualifying attester’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed,

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- (f) include—
- (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
- (g) state the date on which it is made.
- (6ZB) In paragraph (6ZA), a “qualifying attester” is a person—
- (a) who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act, or
    - (ii) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (6ZC) In paragraphs (6)(c)(v) and (6ZB)(e), a relevant identity attestation is an attestation provided in accordance with—
- (a) paragraph (6) or (6ZA);
  - (b) regulation 56C(5A) or (6);
  - (c) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (England and Wales) Regulations 2001;
  - [ regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations
  - <sup>F12</sup>(ca) 2008;]
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
  - (e) regulation 72B(5A) or (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
  - (f) regulation 7(6) of the Voter Identification Regulations 2022.]
- [
- <sup>F13</sup>(6A) In relation to the registration of local government electors, paragraphs (2) to (6) do not apply in the case where the applicant is under the age of 16 if—
- (a) there is information available to the registration officer from any educational record relating to the applicant, and
  - (b) that information is sufficient to satisfy the registration officer as to the applicant's identity and entitlement to be registered.]
- (7) Paragraphs (2) to [<sup>F14</sup>(6A)] do not apply where the application is made pursuant to the following declarations—

- (a) a service declaration on the grounds that the applicant is a Crown servant (within the meaning of regulation 14) or the spouse or civil partner of a Crown servant (within the meaning of regulation 14);
- (b) a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act);
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act); or

[ in relation to the registration of local government electors, a service declaration on the  
F15(ca) grounds that the applicant has a service qualification under section 14(1A) of the 1983 Act;]

F16(d) .....

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

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

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

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

[  
F17(9A) In the case of an application in pursuance of a service declaration within paragraph (7)(ca), the registration officer may require that the applicant give the officer one of the following documents or a copy of one of them certified by a relevant official—

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

(9B) In paragraph (9A), “relevant official” means—

- (a) a Crown Servant (within the meaning of regulation 14),
- (b) a British Council employee, or
- (c) an officer of the forces (within the meaning of section 59(1) of the 1983 Act),

who is not the applicant's parent, guardian, spouse or civil partner.]

F18(10) .....

(11) Where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is [F19 a qualifying Commonwealth citizen or a qualifying foreign national,] the registration officer may require that the applicant provide evidence relating to the applicant's immigration status, including, if applicable, the applicant's biometric immigration document issued in the United Kingdom.

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(12) In this regulation—

- (a) “Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;
- (b) “qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act.  
[ “qualifying foreign national” has the same meaning as in section 202(1) of the 1983 Act.]]
- <sup>F20</sup>(c)

#### Textual Amendments

- F1** Regs. 26A, 26B inserted (10.6.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(5)(b), **11**
- F2** Words in reg. 26B(1) substituted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(a)** (with Sch. 2 para. 2(d))
- F3** Reg. 26B(1A) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(b)** (with Sch. 2 para. 2(d))
- F4** Reg. 26B(4A) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(c)** (with Sch. 2 para. 2(d))
- F5** Reg. 26B(5)(a)(b) substituted for words (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(d)** (with Sch. 2 para. 2(d))
- F6** Words in reg. 26B(6)(c)(ii) substituted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **5(a)**
- F7** Word in reg. 26B(6)(c) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(e)(i)** (with Sch. 2 para. 2(d))
- F8** Reg. 26B(6)(c)(iv) substituted (27.4.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **5(b)**
- F9** Words in reg. 26B(6)(c)(iv) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(e)(ii)** (with Sch. 2 para. 2(d))
- F10** Reg. 26B(6)(c)(v) and word inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(e)(iii)** (with Sch. 2 para. 2(d))
- F11** Reg. 26B(6ZA)-(6ZC) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(f)** (with Sch. 2 para. 2(d))
- F12** Reg. 26B(6ZC)(ca) inserted (16.1.2024) by The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024 (S.I. 2024/43), regs. 1(1), **23(2)** (with reg. 27(1))
- F13** Reg. 26B(6A) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 5(3)**, 21
- F14** Word in reg. 26B(7) substituted (27.04.2017) by The Representation of the People (Scotland) (Amendment) Regulations 2017 (S.I. 2017/604), regs. 1, **5(c)**
- F15** Reg. 26B(7)(ca) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 11(3)(a)**, 21
- F16** Reg. 26B(7)(d) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(g)** (with Sch. 2 para. 2(d))
- F17** Reg. 26B(9A)(9B) inserted (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 11(3)(b)**, 21
- F18** Reg. 26B(10) omitted (16.1.2024) by virtue of The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **10(7)(g)** (with Sch. 2 para. 2(d))
- F19** Words in reg. 26B(11) substituted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **5(a)**; S.S.I. 2020/162, reg. 2

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**F20** Reg. 26B(12)(c) inserted (3.8.2020) by The Representation of the People (Scotland) Amendment Regulations 2020 (S.S.I. 2020/180), regs. 1(3), **5(b)**; S.S.I. 2020/162, reg. 2

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 31I(3)(t) inserted by [S.I. 2022/1382 reg. 39\(2\)](#)