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## STATUTORY INSTRUMENTS

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# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART III

### REGISTRATION

#### *Determination of applications and objections*

#### [<sup>F1</sup>Procedure for reviewing entitlement to registration

**31D.**—(1) A registration officer [<sup>F2</sup>must], for the purposes of making a determination of the nature specified in regulation 31B(2), conduct a review in respect of a person entered in the register.

(2) Where the registration officer is not satisfied that the subject of the review is entitled to be registered, he must—

- (a) send to that person such notice, of a kind specified in paragraph (4), as he considers appropriate; and
- (b) enter the review in the list kept in pursuance of regulation 31E.

(3) Paragraph (2)(b) does not apply where the subject of a review has an anonymous entry.

[  
<sup>F3</sup>(3A) In relation to the registration of local government electors, paragraph (2)(b) does not apply where the subject of the review is under the age of 16.]

(4) A notice is specified for the purposes of this paragraph if it—

- (a) states that the registration officer is of the opinion that the subject of the review [<sup>F4</sup>is or was not entitled to be registered, or has an entry in the register which results from or was altered as the result of an application made by another person,] and the grounds for his opinion;
- (b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice or requires him to make a declaration under regulation 24 or both; or
- (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

(5) Where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(a); and
- (b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered [<sup>F5</sup>, that the subject of the review was registered and their entry has been altered as the result of an application made by another person,] or, as the case may be, [<sup>F6</sup>that the subject of the review] has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

*Status: Point in time view as at 25/07/2015. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, Section 31D 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)*

(6) Paragraph (7) applies where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(b); and
- (b) that person does not respond to the registration officer’s satisfaction, or at all, within the period of 28 days beginning with the date of that notice.

(7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person [<sup>F7</sup>is or was entitled to be registered, or that the person’s entry in the register does not result from or has not been altered as the result of an application made by another person,] and the grounds for his opinion.

(8) Where—

- (a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (7); and
- (b) the subject of the review does not, within the period of 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered [<sup>F8</sup>, that the subject of the review was registered and their entry has been altered as the result of an application made by another person,] or, as the case may be, [<sup>F9</sup>that the subject of the review] has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(9) In making a determination under paragraph (5) or (8), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

(10) In this regulation and regulations 31E and 31F—

“review” must be construed in accordance with paragraph (1);

“the subject of the review” means the person in respect of whom the review is conducted.]

#### Textual Amendments

- F1** Regs. 31B-31F inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **11**
- F2** Word in reg. 31D(1) substituted (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), **18(2)**
- F3** Reg. 31D(3A) inserted (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 6(2)**, 21
- F4** Words in reg. 31D(4)(a) substituted (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), **18(3)**
- F5** Words in reg. 31D(5) 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), **18(4)(a)**
- F6** Words in reg. 31D(5) 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), **18(4)(b)**
- F7** Words in reg. 31D(7) substituted (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), **18(5)**

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- F8** Words in reg. 31D(8) 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), **18(6)(a)**
- F9** Words in reg. 31D(8) 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), **18(6)(b)**

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