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STATUTORY INSTRUMENTS

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**2002 No. 1872**

**Representation of the People (Scotland)  
(Amendment) Regulations 2002**

**Citation, interpretation and extent**

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) (Amendment) Regulations 2002.

(2) In these Regulations—

“the 2001 Regulations” means the Representation of the People (Scotland) Regulations 2001(1); and

“the 1983 Act” means the Representation of the People Act 1983(2).

(3) These Regulations shall extend to Scotland only.

**Commencement**

2.—(1) Subject to paragraphs (2) and (3) below, these Regulations shall come into force on the expiry of the period of 14 days beginning with the day on which these Regulations are made.

(2) Subject to paragraph (3) below, regulations 3(2)(a) and (b), 5(3) and (4), 6, 8 to 10 and 14 shall come into force on 18th November 2002.

(3) Where any revised version of the register of electors has not been published on or before 18th November 2002 under section 13(1) of the 1983 Act(3), paragraph (2) above shall not have effect in relation to that register until the day following the day on which the revised version of the register has been so published.

**Revocations**

3.—(1) The following regulations are hereby revoked.

(2) Those regulations are—

(a) regulations 46 to 49 (supply and sale of register and list of overseas electors) of the 2001 Regulations;

(b) regulation 4 of the Representation of the People (Scotland) (Amendment) Regulations 2001(4), and

(c) the Representation of the People (Form of Canvass) (Scotland) Regulations 2001(5).

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(1) [S.I. 2001/497](#); these Regulations have been amended by [S.I. 2001/1749](#).

(2) [1983 c. 2](#).

(3) Section 13 was substituted by Schedule 1 to the Representation of the People [2000 \(c. 2\)](#) (“the 2000 Act”).

(4) [S.I. 2001/1749](#).

(5) [S.I. 2001/2817](#).

### **Prescribed form**

4. The form in Part I of the Schedule to these Regulations is hereby prescribed for the purposes of section 10(4) of the 1983 Act(6) (form of annual canvass).

### **Amendment of interpretation provisions**

- 5.—(1) Regulation 3(1) of the 2001 Regulations (interpretation) is amended as follows.
- (2) In the definition of “candidate” for sub-paragraph (a) substitute—
- “(a) in relation to a parliamentary election has the same meaning as in section 118A(2) of the 1983 Act(7)
- (3) Before the definition of “European Parliamentary overseas elector” insert—
- ““data form” means information which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose; “edited register” has the meaning given in regulation 92(1) below;”.
- (4) After the definition of “European Parliamentary overseas elector’s declaration” insert—
- ““full register” has the meaning given in regulation 93(1) below;”.
- (5) After the definition of “register” insert—
- ““registration area” means the area for which a registration officer acts;”.

### **Amendment of provision about copies**

- 6.—(1) Regulation 7 of the 2001 Regulations (copies of documents) shall become paragraph (1) of regulation 7.
- (2) After that paragraph insert—
- “(2) Paragraph (1) does not apply to the full register.
- (3) A person inspecting the full register may not—
- (a) make copies of any part of it, or
- (b) record any particulars included in it,
- otherwise than by means of hand-written notes.
- (4) A person who inspects the full register and makes a copy of it or records any particulars included in it otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In this regulation “full register” includes—
- (a) any part of it, and
- (b) any notice published under section 13A(2) or 13B(3) of the 1983 Act(8) altering the register.”.

### **Amendment of provision about applications**

7.—(1) Regulation 26 of the 2001 Regulations (applications for registration) is amended as follows.

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(6) Section 10 was substituted by Schedule 1 to the 2000 Act.

(7) Section 118A of the Representation of the People Act 1983 (“the 1983 Act”) was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000 (c. 41).

(8) Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act.

(2) In paragraph (1), after “shall” insert “, in addition to the requirements of section 10A(1A) and 13A(2A) of that Act.”.

(3) At the end of paragraph (1) insert–

“(e) in the case of an applicant who requests that his name and address be omitted from the edited version of the register, that request”.

(4) In paragraph (2), for “overseas elector’s application” substitute “overseas elector’s declaration”.

(5) In paragraph 3, for “under this regulation” substitute “for registration”.

(6) After paragraph (5) insert–

“(6) Where the registration officer provides the form on which an application for registration is made, the form of words in Part II of the Schedule, or a form of words to the same effect, to the Representation of the People (Scotland) (Amendment) Regulations 2002 must form part of, or accompany, the application form.

(7) Where an application for registration is made otherwise than on a form provided by the registration officer, that officer must on or before the determination of the application send to the applicant the form of words referred to in paragraph (6) above and must, at the same time, inform the applicant, in writing, that he may, before the end of the period of 21 days, starting with the day on which the officer sends that form of words to the applicant, make a request, in writing, to the registration officer that his name and address be excluded from the edited version of the register.

(8) Where an applicant does not reply to the registration officer within the period of 21 days mentioned in paragraph (7) above, the registration officer shall assume that the applicant does not request that his name and address be excluded from the edited version of the register.

(9) Where an applicant does reply to the registration officer within the period of 21 days mentioned in paragraph (7) above and in his response requests that his name and address be excluded from the edited version of the register, that request shall be treated as part of the application for registration.”.

### **Amendment of provision about notices**

**8.** In regulation 36 of the 2001 Regulations (issue of notices in connection with registration), for subparagraph (a) of paragraph (2) substitute–

“(a) making a copy of it available for inspection under supervision–

(i) at his office, and

(ii) at such places, if any, in his registration area as allow members of the public in that area reasonable facilities for that purpose;

(aa) supplying copies of it in accordance with Part VI of these Regulations;”.

### **Manner of publication of register**

**9.** In regulation 43 of the 2001 Regulations (publication of register), for paragraph (1) substitute–

“(1) The manner in which each revised version of the full register is to be published under section 13(1) and (3) of the 1983 Act is by the registration officer–

(a) making a copy of it available for inspection under supervision–

(i) at his office, and

- (ii) at such places, if any, in his registration area as allow members of the public in that area reasonable facilities for that purpose; and
  - (b) supplying copies of it in accordance with Part VI of these Regulations.
- (1A) Where a copy of the full register is made available under paragraph (1)(a) above by providing the register on a computer screen or otherwise in data form, the registration officer 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.”.

#### **Manner of publication of list of overseas electors**

**10.** In regulation 45(3) of the 2001 Regulations (publication of the list of overseas electors) after “inspection” insert “under supervision”.

#### **Time when postal ballot papers are to be issued**

**11.** In regulation 71(2) of the 2001 Regulations (time when postal ballot papers are to be issued) for the words from “the registration officer” to the end substitute “the application to vote by post has been granted.”.

#### **Procedure on issue of postal ballot papers**

**12.** At the end of regulation 72 of the 2001 Regulations (procedure on issue of postal ballot paper) insert—

- “(7) The address to which the postal ballot paper, declaration of identity and the envelopes referred to regulation 74 below are to be sent is—
- (a) in the case of an elector, the address shown in the absent voters list;
  - (b) in the case of a proxy, the address shown in the special list kept under paragraph 7(8) of Schedule 4 to the 2000 Act.”.

#### **Declarations of identity**

**13.** For paragraphs (5) to (7) of regulation 85 of the 2001 Regulations (procedure in relation to declarations of identity) substitute—

- “(5) Where—
- (a) the number (or numbers) on a valid declaration of identity is (or are) not the same as the number (or numbers) on the ballot paper envelope, or
  - (b) that envelope has no number on it (or only one number when the declaration of identity has more than one),

the returning officer shall open the envelope.

- (6) Paragraph (7) below applies where—
- (a) there is a valid declaration of identity but no ballot paper envelope, or
  - (b) the ballot paper envelope has been opened under regulation 84(3) or paragraph (5) above.
- (7) In the circumstances described in paragraph (6) above, the returning officer shall place—

- (a) in the postal ballot paper box, any ballot paper the number on which is the same as the number (or one of the numbers) on the valid declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes, any valid declaration of identity marked “provisionally rejected” where—
  - (i) there is no ballot paper, or
  - (ii) in the case of a declaration on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the declaration to indicate which ballot paper is missing;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under sub-paragraph (b) or (c) above.”.

**Supply of register, etc.**

14. After regulation 91 of the 2001 Regulations insert—

**“PART VI  
SUPPLY OF REGISTER ETC**

*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) of the 1983 Act<sup>(9)</sup>.

(2) In this Part—

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

(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>(10)</sup>, or the Representation of the People (Northern Ireland) Regulations 2001<sup>(11)</sup>.

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<sup>(9)</sup> Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act.

<sup>(10)</sup> S.I. 2001/341, as amended by the Representation of the People (England and Wales) (Amendment) Regulations 2002 (S.I. 2002/1871).

<sup>(11)</sup> S.I. 2001/400, as amended by the Representation of the People (Northern Ireland) (Amendment) Regulations 2002 (S.I. 2002/1873).

(5) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act<sup>(12)</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.

### **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>(13)</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>(14)</sup> by or on behalf of that elector for his name and address to be excluded from the edited register.

(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.

### *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 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,

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<sup>(12)</sup> The exercise of the powers in section 52(1) is made subject to section 8(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 52(1A), as inserted by Schedule 21 to that Act, is relevant to those powers.

<sup>(13)</sup> Section 13 was substituted by Schedule 1 to the 2000 Act.

<sup>(14)</sup> Regulation 26 is amended by regulation 7 of these Regulations.

- (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.

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

(2) No person to whom this regulation applies (except by virtue of paragraph (1)(d) above) 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 such information,

other than for the purpose (express or implied) for which the copy was supplied or the information disclosed to the person in question under the relevant provision.

(3) No person to whom this regulation applies by virtue of paragraph (1)(d) above 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 such information,

other than for any purpose for which a copy could be supplied or information could be disclosed to the person in question under 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.

*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, one printed copy of—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act<sup>(15)</sup>, and
- (b) any list of overseas electors,

to the National Library of Scotland and the British Library.

(2) 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) 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.

(4) A person who inspects the copy of the full register held by the National Library of Scotland or the British Library 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.

**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) 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>(16)</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;

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<sup>(15)</sup> Sections 13 to 13B were substituted by Schedule 1 to the 2000 Act.

<sup>(16)</sup> 1994 c. 39.



- (b) any notice setting out an alteration to that version of the register published under section 13A(2) or 13B(3) 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.

(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.

#### **Supply of free copy of full register etc to Office for National Statistics 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) of that Act;
- (c) any list of overseas electors,

to the Office for National Statistics<sup>(17)</sup> (in this regulation referred to as “the Office”).

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

(3) No person employed by the Office 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) 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 the Office to inspect it under supervision, and
- (b) by publishing information about electors which does not include the name or address of any elector.

(5) A person who inspects the full register 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.

#### **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) 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<sup>(18)</sup>.

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<sup>(17)</sup> The Office for National Statistics in a government department to which various functions relating to the gathering and publication of statistics were transferred by the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273).

<sup>(18)</sup> 2000 c. 41.

(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.

**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) 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.

*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) 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.
- (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 regulations 102 to 108 entitles that person to obtain that document for that purpose shall apply to such use.

**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>(19)</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

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<sup>(19)</sup> Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000.

(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.

(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 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).

(4) Paragraphs (5) and (6) of this regulation apply to community councils established under section 51 of the Local Government (Scotland) Act 1973<sup>(20)</sup> 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.

#### **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.

#### **Supply of full register etc to police forces and restrictions on use**

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

- (a) a police force in Great Britain;
- (b) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
- (c) the National Criminal Intelligence Service;
- (d) the National Crime Squad;
- (e) the Police Information Technology Organisation; and
- (f) any body of constables established under an enactment.

(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 purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere).

#### *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,
- (b) any notice under section 13A(2) or 13B(3) 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 which is sold in accordance with regulations 111 to 113 below, the letter “Z” shall be placed against the name of any person whose name is not included in the edited version of the register.

### **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) 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.

(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) 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.

### **Sale of full register to government departments**

**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 to a government department.

(2) For the purposes of regulation 111(3) above, the relevant restrictions apply except for the purpose of—

- (a) the administration of justice, the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
- (b) the vetting of employees and applicants for employment, where such vetting is required pursuant to any enactment, and
- (c) supply and disclosure in accordance with paragraphs (3) to (6) below.

(3) A government department 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.

#### **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<sup>(21)</sup> (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 1993<sup>(22)</sup>, the Money Laundering Regulations 2001<sup>(23)</sup> or any regulations amending or replacing them, or any rules made pursuant to section 146 of the Financial Services and Markets Act 2000<sup>(24)</sup>;
- (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.

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(21) 1974 c. 39.

(22) S.I. 1993/1933.

(23) S.I. 2001/3641.

(24) 2000 c. 8.

(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.

### **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 a copy of the full register under regulation 98, 100, 101, 103, 105, 106, 109, 113 or 114 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).

(3) A processor to whom a copy of the full register is supplied under paragraph (2) above shall be one who carries on business in the European Economic Area and the information contained in the register must not be transmitted outside the European Economic Area by the processor.

(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.

### *Offences*

#### **Offences in respect of contravention of Part VI**

**115.**—(1) A person who contravenes the provisions specified in paragraph (2) below shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Those provisions are regulations 94(3), 95(2) and (3), 96(2) and (4), 97(7), 98(3) and (5), 99(3) and (5), 100(5), 102(3), 103(3), 104(4), 105(3), 106(3) and (6), 107(5), 108(3), 111(4) and (5), 112(5) and 114(4) above.

(3) It is a defence for a person charged with an offence under paragraph (1) above to prove that he took all reasonable steps and exercised all due diligence to prevent the contravention.

(4) A person to whom paragraph (5) below applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale where—

(a) a contravention of the provisions referred to in paragraph (2) above has occurred on the part of a person (“the employed person”) in the employment, or otherwise under the direction or control, of the company or other organisation in which the person to whom paragraph (5) applies holds office, and

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(b) the person to whom paragraph (5) below applies has failed to take the steps specified in paragraph (6) below.

(5) This paragraph applies to a director of a company or a person concerned with the management of an organisation.

(6) The steps referred to in paragraph (4)(b) above are such steps as it would be reasonable for a person to whom paragraph (5) applies to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a contravention of the provisions referred to in paragraph (2) above on the part of the employed person.”.

Scotland Office  
18th July 2002

*HELEN LIDDELL*  
One of Her Majesty's Principal Secretaries of  
State