

EXPLANATORY MEMORANDUM TO
THE REPRESENTATION OF THE PEOPLE (FORM OF CANVAS) (SCOTLAND)
REGULATIONS 2006

2006 No.1836 (S.12)

1. This explanatory memorandum has been prepared by the Scotland Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. The Regulations will prescribe a form to be used by electoral registration officers in order to conduct their annual canvass of electors.

2.2. The Regulations will also prescribe a new form of words for use on registration forms provided by electoral registration officers for those who wish to register to vote at times other than during the annual canvass period. The form of words explains the difference between the two versions of the register.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None

4. Legislative Background

4.1. Section 10 of the Representation of the People Act 1983 provides that each electoral registration officer must conduct an annual canvass in relation to the area for which he acts, for the purpose of ascertaining who is entitled to be included on the electoral register. These regulations – which are to be made under Section 10(4) – prescribe the form to be used for the purpose of this canvass.

5. Extent

5.1. The Regulations apply to Scotland only.

6. European Convention on Human Rights

6.1. The Parliamentary Under Secretary of State, David Cairns MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Representation of the People (Form of Canvass) (Scotland) Regulations 2006 are compatible with Convention rights”.

7. Policy Background

7.1 Each year, electoral registration officers must conduct a canvass of households within their area to ascertain who should be on the electoral register. A form is set in regulations for this purpose, to which alterations may be made provided that it remains ‘to the same effect’. The regulations were last updated in 2004.

7.2 The form currently set in regulations has been criticised as being complicated and difficult to use. Many electoral registration officers make significant changes to the form for use in their area, and while there is some best practice, the quality of forms in use across Scotland varies a great deal.

7.3 Research has found that the complex nature of many canvass forms deters people from registering to vote and contributes to levels of under-registration. In response to this, we have sought to redesign the prescribed canvass form in order to provide a form that is simple, clear, and easy to use.

7.4 Our approach to redesigning the form has been to consult widely and incorporate as much best practice as possible. To achieve this we created an advisory group of electoral administrators and Electoral Commission officials which assisted in providing a framework for an initial draft and which has also contributed to further revisions. We also made a draft available at February's Association of Electoral Administrators Conference and at a meeting of the Scottish Assessors Association, where we sought and gained feedback from the wider electoral community including printers and other suppliers. Finally, we engaged a usability consultant, who conducted a review of the form and gave us further valuable advice. A DCA in-house form designer has conducted the actual design work.

7.5 Under the Political Parties, Elections and Referendums Act 2000, we have a statutory duty to consult the Electoral Commission prior to making these regulations. The Scotland Office wrote to the Commission on 10 May to initiate this formal consultation and the Commission responded on 22 May. The Commission recommended a number of changes that could be made – the bulk of which we have accepted - and their general view was positive.

7.6 The key differences between these and previous Form of Canvass regulations are:

- A complete change to the layout of the form to make it more user-focused and easier to complete.
- Simplification of the form's text to make it easier to read and to allow a larger font-size to be used. This includes a clearer definition of the 'full' and 'edited' registers.
- The inclusion of a large 'Voter Registration Form' logo, making the form's purpose clearer.
- The inclusion of space for local authority customisation. For example, to allow authorities to include their logo.
- The collection of information about 16 and 17 year olds separately from the over 18's. Evidence shows that this increases the registration rate amongst attainers.
- The inclusion of clearer information about eligibility to register to vote. This includes a more accurate definition of which Commonwealth citizens are eligible to register.
- The inclusion of contact information in a prominent position.

8. Impact

8.1. No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector. The form, which is in black and white and covers two sides of A4, prescribes less text than previous regulations and so should cost the same or less for electoral registration officers to produce. There are no implications for the Exchequer.

9. Contact

9.1. Any enquiries about the contents of this memorandum should be addressed to:
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