
STATUTORY INSTRUMENTS

2007 No. 925

**The Representation of the People
(Scotland) (Amendment) Regulations 2007**

PART 2

Registration

Anonymous registration: procedure

12. After regulation 31F insert—

“Anonymous registration: applications and declarations

31G.—(1) An application for an anonymous entry must state—

- (a) the applicant’s full name;
- (b) the address given in accordance with regulation 26(1)(b);
- (c) the reason for the application; and
- (d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by evidence of the nature prescribed in regulation 31I or 31J.

(4) Where the evidence mentioned in paragraph (3) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) are true;
- (b) so far as he is aware, the evidence provided in pursuance of paragraph (3) is genuine; and
- (c) where paragraph (4) applies—
 - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
 - (ii) so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

Anonymous registration: determination of applications by registration officer

31H.—(1) Paragraph (2) applies where—

- (a) the registration officer determines that the applicant for an anonymous entry is entitled to be registered; and
 - (b) the application for an anonymous entry is made in accordance with regulation 31G(1), (2) and (5).
- (2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where he is satisfied—
- (a) that the evidence provided in support of the application in pursuance of regulation 31G(3) constitutes evidence of the nature prescribed in regulation 31I or 31J; and
 - (b) in the case of an application where regulation 31G(4) applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

Anonymous registration: evidence consisting of relevant court orders or injunctions

31I.—(1) Evidence which meets the following conditions is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

- (a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(1);
- (b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997(2);
- (c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997(3);
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997(4);
- (e) a non harassment order made under section 8(5)(b)(ii) of the Protection from Harassment Act 1997;
- (f) a non harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(5);
- (g) a non molestation order made under section 42(2) of the Family Law Act 1996(6).

(4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—

- (a) the applicant for an anonymous entry; or
- (b) another person of the same household as him.

(5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

(1) 1997 c. 40; section 3(1) was amended by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(4).
(2) 1997 c. 40; section 3A was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(5).
(3) 1997 c. 40; section 5 was amended by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(6) and the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 12(1) to (4), Schedule 10, paragraph 43, Schedule 11.
(4) 1997 c. 40; section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).
(5) 1995 c. 46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c. 40).
(6) 1996 c. 27; section 42 was amended by paragraph 36 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c. 28) and by paragraph 9 of Schedule 9 to the Civil Partnership Act 2004 (c. 33).

Anonymous registration: evidence by attestation

31J.—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The attestation must—

- (a) certify that the safety of the applicant, or of another named person of the same household as him, would be at risk if the register contained the name of the applicant or his qualifying address;
- (b) state the date on which it is made; and
- (c) be in writing and signed by a qualifying officer.

(3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.

(4) Qualifying officer means—

- (a) the chief officer of police of any police force in England and Wales;
- (b) the chief constable of any police force in Scotland;
- (c) the Chief Constable of the Police Service of Northern Ireland;
- (d) the Director General of the Security Service;
- (e) the Director General of the Serious Organised Crime Agency;
- (f) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968(7);
- (g) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970(8);
- (h) any director of children’s services in England within the meaning of section 18 of the Children Act 2004(9);
- (i) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970(10).”.

(7) 1968 c. 49, as substituted by section 45 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(8) 1970 c. 42; inserted by paragraph 2(2)(a) of Schedule 2 to the Children Act 2004 (c. 31). See the transitional provision made in regulation 55 of these Regulations.

(9) 2004 c. 31.

(10) As amended by paragraph 2(2)(b) of Schedule 2 to the Children Act 2004 (c. 31); the amendment is not yet in force.