

SCHEDULES

SCHEDULE 10

Access to marked registers and other documents open to public inspection after an election

Supply of marked registers and lists after an election

2.—(1) Any person who, in accordance with any of the provisions listed in sub-paragraph (2), is entitled to be supplied with copies of the full register at the time of a particular PCC election is also a person entitled to request that a relevant registration officer supply copies of the relevant part (within the meaning of the listed provisions) of the marked register or lists the relevant registration officer is required to keep.

(2) The listed provisions are—

- (a) paragraph 3 of Schedule 1 (supply of full register etc to police and crime commissioner and restrictions on use);
- (b) paragraph 5 of Schedule 1 (supply of full register etc to candidates and restrictions on use);
- (c) regulation 100 of the 2001 Regulations (supply of free copy of full register etc to Commission and restrictions on use);
- (d) regulation 105 of the 2001 Regulations (supply of full register etc to local constituency parties and restrictions on use);
- (e) regulation 106 of the 2001 Regulations (supply of full register etc to registered political parties and restrictions on use);
- (f) regulation 109 of the 2001 Regulations (supply of full register etc to police forces and other agencies and restrictions on use);
- (g) regulation 113 of the 2001 Regulations (sale of full register to government departments and other bodies).

(3) A person who was entitled to request copies of the marked register or lists under sub-paragraph (1) by being in a category of persons covered by sub-paragraph (2)(a), (b), (d) or (e) before a particular PCC election, is entitled to request those documents regardless of whether that person remains in an entitled category after the election for which the marked register or list was prepared.

(4) A request under sub-paragraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) is requested,
- (b) state whether a printed copy is requested or a copy in data form, and
- (c) state the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve those purposes.

(5) The relevant registration officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) the relevant registration officer is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested, and

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- (b) the relevant registration officer has received payment of a fee calculated in accordance with paragraph 6.
- (6) If the relevant registration officer is not satisfied in accordance with sub-paragraph (5)(a) the relevant registration officer must inform the requestor of the relevant registration officer's decision under this paragraph; and
- (a) where the request relates to the marked register, provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43 of the 2001 Regulations (publication of register);
 - (b) where the request relates to the marked lists, provide information concerning the availability of the unmarked lists in accordance with paragraphs 20 and 21 of Schedule 2 (absent voting lists: supply of copies and inspection).
- (7) A person who obtains a copy of any part of a marked register or list under this paragraph may use it only for the permitted purposes specified in paragraph 5(3), and such use is also subject to—
- (a) any conditions specified in paragraph 5, or
 - (b) where the request to the registration officer is made by reference to a provision specified in sub-paragraph (8), any conditions which would apply to the use of the full register under whichever of the listed provisions entitled that person to obtain that document.
- (8) The specified provisions are—
- (a) paragraph 3(3) of Schedule 1;
 - (b) paragraph 5(3) of Schedule 1;
 - (c) regulation 100(3) of the 2001 Regulations;
 - (d) regulation 105(4) of the 2001 Regulations;
 - (e) regulation 106(3) of the 2001 Regulations;
 - (f) regulation 109(3) of the 2001 Regulations;
 - (g) regulation 113 of the 2001 Regulations.
- (9) Where a person has been supplied with a marked register or list, or any information contained in it (that is not contained in the edited register), by a person to whom a provision specified in sub-paragraph (8) applies, the restrictions in that provision also apply to the person to whom the register, list or information was supplied, as they apply to that other person.
- (10) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this paragraph may—
- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information it contains, or
 - (b) procure that a processor processes and supplies to the person any copy of the information in the marked register or lists which the processor has obtained under this paragraph,
- for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).
- (11) A processor may not disclose the marked register or lists or the information contained in them 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 marked register or lists under this Schedule.