
STATUTORY INSTRUMENTS

2007 No. 925

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

PART 10

Control of Documents Following an Election

Processing of information outside the EEA

45. In regulation 114 omit paragraph (3)(1).

Offences in respect of contravention of Parts III, IV and VI

46. For regulation 115(2) substitute—

“Offences in respect of contravention of Parts III, IV and VI

115.—(1) A person is guilty of an offence—

- (a) if he contravenes any of the provisions specified in paragraph (2); or
- (b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.

(2) Those provisions are regulations 45C(4), 45D(3), 45E(3), 61(3) and (14), 94(3), 95(2), 96(2), (4) and (6), 97(7), 97A(3), 98(3), (5) and (7), 99(3) and (5), 100(5), 102(3), 103(3), 104(4), 105(3), 106(3) and (6), 107(5), 108(3), 108A(6), (8) and (10), 111(4) and (5), 112(5) and (6) and 114(4)(3).

(3) P is not guilty of an offence under paragraph (1) if—

- (a) he has an appropriate supervisor; and
- (b) he has complied with all the requirements imposed on him by his appropriate supervisor.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in paragraph (2).

(5) In paragraphs (1)(b) and (3)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;

(1) Regulation 114 was inserted by [S.I. 2002/1872](#).

(2) Part VI including regulation 115 was inserted by [S.I. 2002/1872](#). Regulation 115 was amended by [S.I. 2006/834](#).

(3) Regulations 45C, 45D and 45E are inserted by regulation 18 of these Regulations. Regulation 61 is substituted by regulation 43 of these Regulations. Part VI of the 2001 regulations, comprising regulations 92 to 115, was inserted by [S.I. 2002/1872](#). Regulations 96(6), 97A, 98(7) and 108A were inserted by [S.I. 2006/834](#), which also amended regulations 96(2) and (4), 98(3) and (5) and 106(3), and substituted regulation 95(2).

(b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).

(6) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

Supply and inspection of marked registers and other documents

47. After regulation 115 insert the following—

“PART VII

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation of Part VII

116.—(1) In this Part references to the “marked register or lists” means any part of the marked copies of—

- (a) the full register;
- (b) the postal voters list;
- (c) the list of proxies; and
- (d) the proxy postal voters list,

forwarded to the sheriff clerk under regulation 91 or rule 55(1)(b) and (c) of the elections rules.

(2) For the purposes of this Part any period of days shall be calculated in accordance with regulation 56.

(3) Paragraphs (2) and (3) of regulation 92, and the condition in regulation 114(4)(4), shall be taken to apply to the supply and processing of information supplied under this Part as they apply to the supply and processing of the full register under Part VI of these Regulations.

(4) Any duty on a sheriff clerk to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after an election

117.—(1) Any person entitled to be supplied, in accordance with regulation 99, 102, 104, 105, 107, 108 or 112(5), with copies of the full register at the time of a parliamentary election is also a person entitled, subject to this regulation and to regulation 119, to request that a sheriff clerk supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(4) Regulations 92 and 114 were inserted by [S.I. 2002/1872](#). Regulation 92(2) was amended by [S.I. 2006/834](#); there are other amendments to regulations 92 and 114, including amendments in these Regulations, but none are relevant.

(5) These regulations were added by [S.I. 2002/1872](#). Regulations 99, 104 and 112 were amended by [S.I. 2006/834](#), and regulation 99 is amended by regulation 27 of these Regulations.

(2) A person who was entitled to request copies of the marked register or lists under paragraph (1) by being in a category of persons covered by regulation 102, 104, 105 or 107 before a particular election, shall be entitled to request those documents regardless of whether he remains in an entitled category after that election for which the marked register or list was prepared.

(3) A request under paragraph (1) shall be made in writing and shall—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists is requested or a copy in data form;
- (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.

(4) The sheriff clerk shall supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he 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
- (b) he has received payment of a fee calculated in accordance with regulation 120.

(5) If the sheriff clerk is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under regulation 61 or for the published copy of the full register in accordance with regulation 101, or both(6).

(6) A person who obtains a copy of any part of a marked register or list under this regulation may use it only for the permitted purposes specified in paragraph (2) of regulation 119, and any conditions—

- (a) specified in that paragraph; or
- (b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 107, 108 or 112 entitled that person to obtain that document,

shall apply to such use.

(7) The conditions referred to in paragraph (6) apply to a person to whom the marked register or lists, or any information contained in it (that is not contained in the edited register) has been supplied or disclosed under that paragraph as they apply to the person to whom those regulations apply.

(8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this regulation may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein; or
- (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

(6) Regulation 101 was inserted by [S.I 2002/1872](#). Regulation 61 is substituted by regulation 43 of these Regulations.

Inspection of documents open to public inspection

118.—(1) Any person is entitled to request that the sheriff clerk make available for inspection a copy of any of the following documents (referred to in this regulation and in regulation 119 as “the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the sheriff clerk is required by or under any enactment to retain for any period except—
 - (i) ballot papers;
 - (ii) completed corresponding number lists;
 - (iii) certificates as to employment on the day of the election.
- (2) A request under paragraph (1) shall be made in writing and shall specify—
 - (a) which documents are requested;
 - (b) the purposes for which the information in any document will be used;
 - (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve those purposes;
 - (d) who will inspect the documents;
 - (e) the date on which they wish to inspect the documents; and
 - (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to paragraph (4), the sheriff clerk shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the sheriff clerk is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor—

- (a) of his decision under this paragraph; and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43(7).

(5) A person who obtains a copy of or information in any document open to public inspection under this regulation may use it only for the permitted purposes specified in regulation 119, and any conditions—

- (a) specified in that regulation;
- (b) specified in paragraph (7); or
- (c) which would apply to the use of the full register under regulation 108 where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the sheriff clerk 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.

(7) Subject to paragraph (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(8) The sheriff clerk shall on request, supply free of charge copies of any documents open to public inspection, to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 108 applies.

Conditions on the use, supply and disclosure of documents open to public inspection

119.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 95 shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of the information in the marked register or lists in accordance with regulation 117(1); or
- (b) a person inspects information in accordance with regulation 118(1),

the permitted purpose shall mean either—

- (i) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998; or
- (ii) electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which regulation 118(8) applies, the permitted purpose means the purposes set out in regulation 108(4).

Fees relating to the supply of marked registers and lists

120. The formula used for the purpose of calculating the fee that shall be paid to the sheriff clerk under regulation 117(4)(b) by a requestor prior to their being supplied with copies of the marked register or lists (or any relevant part those documents) shall be the same as for calculation of the fee for sale of the full register and notices, as set out in regulation 110(5)(8).”.