
STATUTORY INSTRUMENTS

2013 No. 3206

The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013

Amendments in relation to applications for registration

11. After regulation 26 insert—

“Application for alteration of register in respect of name under section 10ZD

26A.—(1) An application for alteration in respect of name under section 10ZD of the 1983 Act must be in writing and must state—

- (a) the applicant’s full name;
- (b) the full name in respect of which the applicant is currently registered;
- (c) the date of the change of name;
- (d) the address in respect of which the applicant is registered;
- (e) a declaration by the applicant that the information provided in the application is true;
- (f) the date of the application.

(2) The Electoral Commission must design a form for applications for alteration in respect of name under section 10ZD of the 1983 Act, which requires the information in paragraph (1) and includes—

- (a) a statement that the information provided in the application will be processed in accordance with the Data Protection Act 1998⁽¹⁾ and as to what information will appear on the electoral register;
- (b) space for a bar code, local authority reference number and security code unique to each form; and
- (c) space for the registration officer to include local authority information and details of how the registration officer may be contacted.

(3) The Electoral Commission must obtain the approval of the Lord President of the Council to the design of the application form under paragraph (2) and must then make the form available to registration officers.

(4) A person making an application for alteration in respect of name under paragraph (1) must give to the registration officer as part of their application a copy of one of the following documents as evidence of the applicant’s change of name—

- (a) marriage or civil partnership certificate;
- (b) overseas marriage or civil partnership certificate if it has been deposited in the General Register Office for England & Wales, the General Register Office for Scotland or the General Register Office for Northern Ireland; or

(1) 1998 c.29.

(c) deed poll or amended birth certificate.

(5) Where a person is unable to provide one of the documents in paragraph (4), they must provide their date of birth or national insurance number as part of their application or, if they are not able to provide their date of birth or national insurance number, the reason why they are not able to do so.

(6) Where the registration officer considers it appropriate, the officer may require that the applicant provide the original of the copy document provided under paragraph (4) after the application has been made.

Power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary

26B.—(1) This regulation applies where a registration officer considers additional evidence is necessary to verify the identity of a person or determine their entitlement to register in respect of their application under section 10ZC or 10ZD of the 1983 Act, including where that is necessary because the person is not able to state the information required by any of sub-paragraphs (e), (f) or (g) of regulation 26(1).

(2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents—

- (a) the applicant's passport;
- (b) the applicant's identity card issued in the European Economic Area;
- (c) the applicant's biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the Borders Act 2007⁽²⁾;
- (d) the applicant's electoral identity card issued in Northern Ireland; or
- (e) the applicant's photocard driving licence granted in the United Kingdom or driving licence granted by a Crown Dependency, which bears a photograph of the applicant.

(3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of—

- (a) one of the following documents, which, except in relation to paragraph (vii), must have been issued in the United Kingdom or Crown Dependencies—
 - (i) the applicant's birth certificate;
 - (ii) the applicant's marriage or civil partnership certificate;
 - (iii) the applicant's adoption certificate;
 - (iv) the applicant's firearms certificate granted under the Firearms Act 1968⁽³⁾;
 - (v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976⁽⁴⁾;
 - (vi) the applicant's driving licence, which is not in the form of a photocard; or
 - (vii) the applicant's driving licence granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom; and

(2) 2007 c.30.
 (3) 1968 c.27.
 (4) 1976 c.63.

- (b) two other documents, each of which may be either from sub-paragraph (a) or from paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant's full name—
- (a) a financial statement, including but not limited to—
 - (i) a mortgage statement;
 - (ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
 - (iii) a credit card statement;
 - (iv) a pension statement;
 - (b) a council tax demand letter or statement;
 - (c) a utility bill;
 - (d) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
 - (e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992⁽⁵⁾, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- (5) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation as set out in paragraph (6).
- (6) An attestation must—
- (a) confirm that the applicant is the person named in the application;
 - (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
 - (c) be in writing and signed by a person—
 - (i) whom the registration officer is satisfied is of good standing in the community;
 - (ii) who is registered as an elector in the same local authority area as the applicant;
 - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
 - (iv) who has not already signed attestations under this regulation for two applicants since the last revised version of the register was published under section 13(1)⁽⁶⁾ of the 1983 Act;
 - (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
 - (e) state the date on which it is made.

⁽⁵⁾ 1992 c.4.

⁽⁶⁾ 1983 c.2; section 13(1) was substituted by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 c.33.

(7) Paragraphs (2) to (6) do not apply where the application is made pursuant to the following declarations—

- (a) a service declaration on the grounds that the applicant is a Crown servant (within the meaning of regulation 14) or the spouse or civil partner of a Crown servant (within the meaning of regulation 14);
- (b) a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act);
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act); or
- (d) an overseas elector's declaration.

(8) In the case of an application in pursuance of a declaration within paragraph (7)(a) or (c), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant (within the meaning of regulation 14) or British Council employee or an officer of the forces (within the meaning of section 59(1) of the 1983 Act) who is not the applicant's spouse or civil partner—

- (a) the applicant's passport; or
- (b) the applicant's identity card issued in the European Economic Area.

(9) In the case of an application in pursuance of a declaration within paragraph (7)(b), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by an officer of the forces (within the meaning of section 59(1) of the 1983 Act) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve; and
- (d) state the date on which it is made.

(10) In the case of an application in pursuance of a declaration within paragraph (7)(d), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by a registered elector who is a British citizen living overseas and who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and occupation of the person signing the attestation;
- (d) state the attestor's British passport number together with its date and place of issue; and
- (e) state the date on which it is made.

(11) Where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is a qualifying Commonwealth citizen, the registration officer may require that the applicant provide evidence relating to the applicant's immigration status, including, if applicable, the applicant's biometric immigration document issued in the United Kingdom.

(12) In this regulation—

- (a) "Crown Dependency" means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;

- (b) “qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act.”.