
STATUTORY INSTRUMENTS

2013 No. 3206

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

Amendments in relation to determination of applications and objections

14.—(1) Before regulation 29 insert—

“Verification of information provided in an application

29ZA.—(1) On receipt of an application under section 10ZC or 10ZD of the 1983 Act made on a paper application form, a registration officer must disclose the name or names, date of birth and national insurance number given under regulation 26(1)(a), (e) and (f) or under regulation 26A(1)(a), 26A(1)(b) and 26A(5) to the Lord President of the Council in such a format and through such a conduit system as the Lord President may have notified to the registration officer in writing.

(2) Following receipt of the information from the registration officer or (in the case of an application made through the digital service) from the applicant, the Lord President of the Council may disclose the information to the Secretary of State.

(3) Where information has been disclosed to the Secretary of State under paragraph (2), the Secretary of State may compare it against—

(a) the name, date of birth and national insurance number of individuals appearing in the following types of databases kept by the Secretary of State—

(i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development); and

(ii) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty’s Revenue and Customs); and

(b) any other information contained in those databases which relates to the information disclosed under paragraph (2).

(4) The Secretary of State may disclose the results of the comparison to the Lord President of the Council.

(5) On receipt of such results, the Lord President of the Council may disclose them to the registration officer in whose register the applicant has applied to be registered.

(6) Where the Lord President of the Council does so, the registration officer must take the results into account in determining the application.

(7) In this regulation—

(a) “conduit system” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984(1);

(1) 1984 c.12; paragraph 1 has been amended but no amendments are relevant to these Regulations.

- (b) “the Secretary of State” means the Secretary of State for the Department for Work and Pensions.

Processing of information provided in connection with an application under section 10ZC or 10ZD

29ZB.—(1) If a person provides an original document under regulation 26A(4), 26B(2) to (4) or 26B(8), the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any application under section 10ZC or 10ZD of the 1983 Act, the registration officer must retain until the application has been determined—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application;
- (b) any other information or documents provided to the registration officer in connection with the application or, in the case of original documents which are returned under paragraph (1), a copy of such documents.

(3) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but, if they do so, must delete the applicant’s national insurance number from the application form, information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the application under section 10ZC or 10ZD.

(4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.

(5) Information disclosed under regulation 29ZA may not be disclosed to any other person, except—

- (a) for the purpose of determining the application in connection with which the information was disclosed; or
- (b) for the purpose of any civil or criminal proceedings.

(6) A person who discloses information in breach of paragraph (5) is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(7) Any person who discloses information under regulation 29ZA must process it in accordance with any requirements as to the processing of information that may have been imposed by the Lord President of the Council in writing, including requirements as to the transfer, storage, destruction and security of that information.

(8) Any requirements, in accordance with which a person must process information, must be imposed by the Lord President before a registration officer is required to disclose that information under regulation 29ZA(1).

(9) “Copy” in this regulation includes an electronic copy.”.

(2) A person—

- (a) who will attain voting age within the period beginning with 1st December 2014 and ending with 30th November 2015; and

- (b) who is specified in a form completed in respect of an address in connection with the annual canvass for 2013 referred to in the Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013(2) as a person who is entitled (apart from any requirement as to age) to be registered in a register; but
- (c) who was not registered in any of the registers published following that canvass because the form was received before 1st December 2013,

is to be treated as having made an application under section 10ZC of the 1983 Act.

- (3) In the application of regulation 29ZA to a person who fulfils the conditions in paragraph (2)—
 - (a) in paragraph (3)(a), for “national insurance number” substitute “address including postcode”;
 - (b) in paragraph (5), for “has applied” substitute “is entitled (apart from any requirement as to age)”;
 - (c) in paragraph (6), for “the application” substitute “whether the person is entitled (apart from any requirement as to age) to be registered”.