

2017 No. 604

REPRESENTATION OF THE PEOPLE, SCOTLAND

**The Representation of the People (Scotland) (Amendment)
Regulations 2017**

Made - - - - 10.56 a.m. on 26th April 2017

Coming into force in accordance with regulation 1

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(a), the Secretary of State has consulted the Electoral Commission before making these Regulations.

In accordance with section 201(2) of the Representation of the People Act 1983(b) (“the 1983 Act”), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes these Regulations in exercise of the powers conferred by sections 9D(3), 9E(2) and (6), 10ZC(3), 10ZD(3), 53(1) and (3) of, and paragraphs 1(2) and (2A), 3ZA, 3C, and 13(2) of Schedule 2 to, the 1983 Act(c) and paragraph 7B of Schedule 4 to the Representation of the People Act 2000(d).

Citation and commencement

1. These Regulations may be cited as the Representation of the People (Scotland) (Amendment) Regulations 2017 and come into force on the day after the day on which they are made.

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- (a) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.
- (b) 1983 c. 2. Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) and article 5(b) of S.I. 1991/1728. Section 201(2) applies to regulations made under paragraph 7B of Schedule 4 to the Representation of the People Act 2000 (c. 2) by virtue of paragraph 1(2) of Schedule 4 to that Act.
- (c) Section 9D was inserted by section 4, and section 9E by section 5, of the Electoral Registration and Administration Act 2013 (“the 2013 Act”) (c. 6). Sections 10ZC and 10ZD were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act. Section 53(1) and (3) was amended by paragraphs 1 and 13 of Schedule 1, and Schedule 7, to the Representation of the People Act 2000 (“the 2000 Act”) (c. 2) and paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraphs 1(2) of Schedule 2 to the Representation of the People Act 1983 (“the 1983 Act”) (c.2) was amended by section 8 of, and paragraphs 1 and 24 of Schedule 1 to, the 2000 Act and by section 12(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act. Paragraph 3C of Schedule 2 to the 1983 Act was amended by paragraph 20 of Schedule 4 to, the 2013 Act. Paragraph 1(2A) and 3ZA of Schedule 2 to the 1983 Act were inserted by section 2 of the 2013 Act. Paragraph 10B was inserted by section 9 of the 2000 Act.
- (d) 2000 c. 2. Paragraph 7B was inserted by section 14(4) of the Electoral Administration Act 2006 (c. 22).

Amendment of the Representation of the People (Scotland) Regulations 2001

2. The Representation of the People (Scotland) Regulations 2001(a) are amended in accordance with regulations 3 to 12.

3. In regulation 3(3A) (interpretation), omit “32ZC, 32ZD,”.

4. In regulation 26 (applications for registration)—

(a) in paragraph (3), after sub-paragraph (ea) insert—

“(eb) space for the applicant to provide information as to whether the applicant is the only person aged 14 or over resident at the address in respect of which the application is made and an explanation that provision of this information is not mandatory;”;

(b) in paragraph (4), after sub-paragraph (b) insert—

“(c) not include space for the information mentioned in paragraph (3)(eb).”;

(c) for paragraph (5) substitute—

“(5) The paper application form for persons applying to be registered in pursuance of an overseas elector’s declaration must—

(a) instead of the information required in paragraph (1)(b), request—

(i) the last address at which the applicant was registered as an elector; and

(ii) the address at which the applicant can be contacted; and

(b) not include space for the information mentioned in paragraph 3(eb).”;

(d) after paragraph (5) insert—

“(5A) The paper application form for persons applying to be registered in pursuance of a declaration of local connection must not include space for the information mentioned in paragraph (3)(eb).”;

(e) in paragraph (6) for “(3), (4) and (5)” substitute “(3) to (5A)”.

5. In regulation 26B(6)(c) (power to request additional evidence)—

(a) in paragraph (ii) for “in the same local authority area as the applicant” substitute “in a local authority area in Scotland”;

(b) for paragraph (iv) substitute—

“(iv) who has not already signed attestations under this regulation for two applicants since whichever is later of—

(aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or

(bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued);”;

(c) in paragraph (7), for “(6)” substitute “(6A)”.

6. In regulation 32ZA (annual canvass)—

(a) in paragraph (4), at the beginning, insert “Subject to paragraphs (4A) and (4B).”;

(b) after paragraph (4) insert—

“(4A) Where, during the period beginning with 1st July in each year and ending with the day in that year (or where section 13(1A) of the 1983 Act applies, on or before 1st February

(a) S.I. 2001/497, relevant amendments were made by 2013/3206, 2015/1966, and by the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7); there are other amendments which are not relevant to this instrument.

in the following year) on which the registration officer publishes a revised version of the register of parliamentary electors under section 13(1) of the 1983 Act—

- (a) the registration officer receives an application under section 10ZC or 10ZD of the 1983 Act;
- (b) the application contains information provided by the applicant in accordance with regulation 26(3)(eb) which indicates that the applicant is the only person aged 14 or over resident at the address in respect of which the application is made; and
- (c) the registration officer determines that the applicant is entitled to be registered in respect of that address;

the registration officer is not required (if the officer has not done so already), under paragraph (4), to send a canvass form to that address as part of the annual canvass for that year.

(4B) Where, outside the period specified in paragraph (4A)—

- (a) the registration officer receives an application under section 10ZC or 10ZD of the 1983 Act;
- (b) that application contains information provided by the applicant in accordance with regulation 26(3)(eb) which indicates that the applicant is the only person aged 14 or over resident at the address in respect of which the application is made; and
- (c) the registration officer determines that the applicant is entitled to be registered in respect of that address;

the registration officer is not required under paragraph (4), to send a canvass form to that address as part of the next annual canvass that the registration is required to conduct under section 9D of the 1983 Act.”

7. In regulation 32ZB (steps to be undertaken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address), after paragraph (5) insert—

“(5A) The registration officer is not required by paragraph (1), (2) or (3) to take any steps if, before the officer would otherwise be required to do so—

- (a) the registration officer receives an application under section 10ZC or 10ZD of the 1983 Act;
- (b) that application contains information provided by the applicant in accordance with regulation 26(3)(eb) which indicates that the applicant is the only person aged 14 or over resident at the address in respect of which the application is made; and
- (c) the registration officer determines that the applicant is entitled to be registered in respect of that address.”

8. In regulation 32ZC (invitations to apply for registration)—

(a) in paragraph (2)—

- (i) omit “and” at the end of sub-paragraph (b) and insert “and” at the end of sub-paragraph (c); and
- (ii) after sub-paragraph (c) insert—
“(d) the website address of the digital service.”;

(b) after paragraph (3) insert—

“(4) The registration officer must give the invitation either—

- (a) by delivering it to the person, leaving it at the person’s address or sending it to the person by post; or
- (b) by electronic means.

(5) Where an invitation mentioned in paragraph (3) is given by electronic means, the registration officer need not comply with sub-paragraphs (c) and (d) of that paragraph.”

9. In regulation 32ZD (steps to be taken by a registration officer to encourage a person to make an application for registration in response to an invitation to do so), in paragraph (5)(a) for “at which” substitute “in respect of which”.

10. In regulation 32ZE (requiring a person to make an application for registration) in paragraphs (2)(c) and (5)(a) for “at which” substitute “in respect of which”.

11. In regulation 32ZG (payment, enforcement and cancellation of civil penalty), in paragraph (5)(b)(i) for “at which” substitute “in respect of which”.

12. In regulation 60B (requirement to provide fresh signature following rejection of a postal voting statement), in paragraph (11), for “3(4)” substitute “3(9)”.

David Mundell
Secretary of State for Scotland
Scotland Office

At 10.56 a.m. on 26th April 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) (“2001 Regulations”), making changes to the system of individual electoral registration. Broadly they make the equivalent amendments in Scotland as were made in respect of England and Wales by the Representation of the People (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/694).

Regulation 3 amends regulation 3(3A) of the 2001 Regulations, and regulation 8 amends regulation 32ZC of the 2001 Regulations, to enable invitations to register to be sent by email (or otherwise by electronic means). Regulations 9, 10 and 11 make consequential amendments to regulations 32ZD, 32ZE and 32ZG of the 2001 Regulations to reflect this.

Regulation 4 amends regulation 26 of the 2001 Regulations and requires the form for an application for registration to include space for an applicant to indicate whether they are the only person aged 14 or over resident at the address. Where they do, by virtue of regulation 6, which amends regulation 32ZA of the 2001 Regulations, a registration officer is not required to send an annual canvass form to that address, if the application form is received in the period of the canvass, during that canvass, or if it is received outside that period, during the following canvass. Regulation 7 makes a corresponding amendment to regulation 32ZB of the 2001 Regulations in respect of any follow-up action that would normally be required where a response to a canvass form is not received.

Regulation 5 amends the attestation requirements in regulation 26B of the 2001 Regulations. A person signing an attestation is no longer required to be registered in the same local authority area as the applicant. Instead they may be registered in any local authority area in Scotland.

Regulation 12 corrects a statutory reference in regulation 60B of the 2001 Regulations.

An impact assessment has not been prepared for this instrument as no impact on the voluntary or private sectors is foreseen. An impact assessment in respect of the individual registration scheme published in 2013 is available on gov.uk at <https://www.gov.uk/government/publications/individual-electoral-registration-impact-assessment> or from the Modern Registration Division, Constitution Group, Cabinet Office, 1 Horse Guards Road, London, SW1A 2HQ.

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