
Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, PART 4. (See end of Document for details)

SCHEDULE 2
FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

PART 4

SUPPLY OF POLLING LIST ETC.

Supply of free copy of Polling List etc. to counting officers

- 48 (1) Each registration officer must, at the request of the relevant counting officer, supply free of charge to the counting officer as many printed copies of—
- (a) the latest version of the Polling List,
 - (b) any notice setting out an alteration to the register of electors issued under—
 - (i) section 13A(2) of the 1983 Act,
 - (ii) section 13B(3), (3B) or (3D) of that Act, or
 - (iii) section 13BB(4) or (5) of that Act, and
 - (c) any record of anonymous entries,
- as the counting officer may reasonably require for the purposes of the referendum.
- (2) Each registration officer must, as soon as practicable, supply free of charge to the relevant counting officer as many printed copies of—
- (a) the postal voters list,
 - (b) the list of proxies, and
 - (c) the proxy postal voters list,
- as the counting officer may reasonably require for the purposes of the referendum.
- (3) If, after supplying copies of the Polling List and notices in accordance with sub-paragraph (1), any further notices of the kind referred to in paragraph (b) of that sub-paragraph are issued by a registration officer, the registration officer must, as soon as reasonably practicable after issuing the notices, supply the relevant counting officer with as many printed copies as the counting officer may reasonably require for the purposes of the referendum.
- (4) The duty under sub-paragraph (1) to supply as many printed copies of the Polling List and notices as the counting officer may reasonably require includes a duty to supply one copy in data form.
- (5) No person to whom a copy of a document has been supplied under this paragraph may, except for the purposes of the referendum—
- (a) supply a copy of the document,
 - (b) disclose any information contained in it (that is not also contained in the edited version of the register of local government electors), or
 - (c) make use of any such information.

Supply of free copy of Polling List etc. to Electoral Commission

- 49 (1) Each registration officer must supply free of charge to the Electoral Commission one copy of—
- (a) the Polling List,
 - (b) any notice setting out an alteration of the register of electors issued under—

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- (i) section 13A(2) of the 1983 Act,
 - (ii) section 13B(3), (3B) or (3D) of that Act, or
 - (iii) section 13BB(4) or (5) of that Act,
 - (c) the postal voters list,
 - (d) the list of proxies, and
 - (e) the proxy postal voters list.
- (2) The duty to supply under sub-paragraph (1) is a duty to supply in data form unless the Commission have, prior to the supply, requested in writing a printed copy instead.
- (3) Neither an Electoral Commissioner nor any person employed by the Commission may—
- (a) supply a copy of any document supplied under sub-paragraph (1) otherwise than to another Electoral Commissioner or another such person,
 - (b) disclose any information contained in any such document otherwise than in accordance with sub-paragraph (5) below,
 - (c) make use of any such information otherwise than in connection with the Commissioner's or the person's functions under, or by virtue of, this Act.
- (4) In sub-paragraph (3), “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner.
- (5) A document supplied under sub-paragraph (1), or any information contained in it, may not be disclosed otherwise than—
- (a) where necessary to carry out the Commission's functions under this Act in relation to permissible donors,
 - (b) by publishing information about voters which does not include the name or address of any voter.

Supply of free copy of edited Polling List etc. to designated organisations

- 50 (1) If a designated organisation so requests, the registration officer must supply free of charge to the organisation one copy of an edited version of—
- (a) the Polling List,
 - (b) any notice setting out an alteration of the register of electors issued under—
 - (i) section 13A(2) of the 1983 Act,
 - (ii) section 13B(3), (3B) or (3D) of that Act, or
 - (iii) section 13BB(4) or (5) of that Act,
 - (c) the postal voters list,
 - (d) the list of proxies, and
 - (e) the proxy postal voters list.
- (2) For the purposes of this paragraph, an “edited version” of a document is a version of the document with—
- (a) all voter numbers removed, and
 - (b) all anonymous entries removed.
- (3) A request under sub-paragraph (1) must—
- (a) be made in writing,
 - (b) specify the documents requested,

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- (c) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any further documents issued, and
 - (d) state whether a printed copy of any of the documents is requested instead of a version in data form.
- (4) Unless a request has been made in advance of supply under sub-paragraph (3)(d), the copy of a document supplied under sub-paragraph (1) is to be in data form.
- (5) No person employed by, or assisting (whether or not for reward) a designated organisation to which a document has been supplied under this paragraph may, except for a purpose set out in sub-paragraph (6)—
- (a) supply a copy of the document to any person,
 - (b) disclose any information contained in it (that is not also contained in the edited version of the register of local government electors), or
 - (c) make use of any such information.
- (6) The purposes are—
- (a) purposes in connection with the campaign in respect of the referendum identified in the declaration made by the organisation under paragraph 2 of schedule 4, and
 - (b) the purposes of complying with the controls on donations and regulated transactions in that schedule.

Supply of free copy of register of local government electors etc. to permitted participants

- 51 (1) If a permitted participant so requests, the registration officer must supply free of charge to the participant one copy of—
- (a) the full, latest version of the register of local government electors published under section 13(1) or (3) of the 1983 Act,
 - (b) any notice setting out an alteration of that version of the register issued under—
 - (i) section 13A(2) of the 1983 Act,
 - (ii) section 13B(3), (3B) or (3D) of that Act, or
 - (iii) section 13BB(4) or (5) of that Act,
 - (c) the postal voters list kept by the officer under paragraph 5(2) of Schedule 4 (absent voting at parliamentary and local government elections) to the Representation of the People Act 2000,
 - (d) the list of proxies kept by the officer under paragraph 5(3) of that Schedule, and
 - (e) the proxy postal voters list kept by the officer under paragraph 7(8) of that Schedule.
- (2) A request under sub-paragraph (1) must—
- (a) be made in writing,
 - (b) specify the documents requested,
 - (c) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any further documents issued, and
 - (d) state whether a printed copy of any of the documents is requested instead of a version in data form.

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- (3) Unless a request has been made in advance of supply under sub-paragraph (2)(d), the copy of a document supplied under sub-paragraph (1) is to be in data form.
- (4) No person employed by, or assisting (whether or not for reward) a permitted participant to which a document has been supplied under this paragraph may, except for a purpose set out in sub-paragraph (5)—
 - (a) supply a copy of the document to any person,
 - (b) disclose any information contained in it (that is not also contained in the edited version of the register of local government electors), or
 - (c) make use of any such information.
- (5) The purposes are—
 - (a) purposes in connection with the campaign in respect of the referendum identified in the declaration made by the permitted participant under paragraph 2 of schedule 4, and
 - (b) the purposes of complying with the controls on donations and regulated transactions in that schedule.

Supply of data

- 52 A duty of a registration officer to supply data under this Part of this schedule is a duty only to supply the data in the form in which the officer holds it.

General restriction on use of registration documents and information contained in them

- 53 (1) This paragraph applies to—
- (a) any person to whom a copy of a registration document is supplied under any enactment other than paragraphs 48 to 51,
 - (b) any person to whom information contained in a registration document has been disclosed,
 - (c) any person to whom a person referred to in paragraph (a) or (b) has supplied a copy of a registration document or information contained in it, and
 - (d) any person who has obtained access to a copy of a registration document or information contained in it by any other means.
- (2) No person to whom this paragraph applies may, except for the purposes of the referendum—
- (a) supply a copy of a registration document,
 - (b) disclose any information contained in a registration document (that is not also contained in the edited version of the register of local government electors), or
 - (c) make use of any such information.
- (3) In this paragraph, “registration document” means a document referred to in paragraphs 48(1) and (2) and 50(1).

Offence in relation to disclosure of registration documents

- 54 (1) A person (“A”) commits an offence—
- (a) if A contravenes any of paragraphs 18(5), 48(5), 49(3) or (5), 50(5), 51(4) or 53(2), or

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- (b) if A is an appropriate supervisor of another person (“B”) who contravenes any of those paragraphs and A failed to take appropriate steps.
- (2) B does not commit an offence under sub-paragraph (1) if—
- (a) B has an appropriate supervisor, and
 - (b) B complied with all the requirements imposed on B by the appropriate supervisor.
- (3) A does not commit an offence under sub-paragraph (1) if—
- (a) A is not, and does not have, an appropriate supervisor, and
 - (b) A took all reasonable steps to ensure that A did not contravene a provision specified in sub-paragraph (1)(a).
- (4) In this paragraph—
- “appropriate supervisor” means a person who is a director of a company, or concerned in the management of an organisation, in which B is employed or under whose direction or control B is,
 - “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, any contravention of a provision specified in sub-paragraph (1)(a).
- (5) A person who commits an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Destruction of copies of the Polling List etc.

- 55
- (1) This paragraph applies to any person holding a copy of a document supplied under paragraph 48(1) or (2), 50(1) or 51(1).
 - (2) The person must ensure that the document is securely destroyed no later than one year after the date of the referendum, unless otherwise directed by an order of the Court of Session or a sheriff principal.
 - (3) A person who fails to comply with sub-paragraph (2) commits an offence.
 - (4) A person who commits an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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