

Draft Order laid before the Scottish Parliament under section 11(4) of the Scottish Independence Referendum (Franchise) Act 2013 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

REPRESENTATION OF THE PEOPLE

The Register of Young Voters (Anonymous Entries) (Scotland) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers in section 11 of the Scottish Independence Referendum (Franchise) Act 2013⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 11(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Register of Young Voters (Anonymous Entries) (Scotland) Order 2013 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the 2001 Regulations” means the Representation of the People (Scotland) Regulations 2001⁽²⁾; and

“the register of young voters” means the register prepared and maintained under section 4 of the Scottish Independence Referendum (Franchise) Act 2013 for any area in Scotland.

Evidence to accompany anonymous registration applications

3. In the application of regulations 31G(3) (evidence that must accompany an anonymous registration application) and 31H(2)(a) (evidence that satisfies the safety test for anonymous

(1) 2013 asp 13.

(2) S.I. 2001/497, relevantly amended by S.I. 2007/925 and S.I. 2009/725.

registration) of the 2001 Regulations(3) to registration in the register of young voters, the following orders, interdicts and interim interdicts are to be treated as evidence of the nature prescribed by regulation 31I of the 2001 Regulations (relevant court orders and injunctions), in addition to the orders and injunctions prescribed by that regulation—

- (a) any non-harassment order, interdict or interim interdict made under section 8 or 8A of the Protection from Harassment Act 1997(4) (in addition to the order prescribed by regulation 31I(3)(e));
- (b) a matrimonial interdict within the meaning of section 14 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(5);
- (c) a domestic interdict within the meaning of section 18A of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(6);
- (d) a relevant interdict within the meaning of section 113 of the Civil Partnership Act 2004(7);
- (e) an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the Domestic Abuse (Scotland) Act 2011(8);
- (f) any interdict with an attached power of arrest made under section 1 of the Protection from Abuse (Scotland) Act 2001(9); and
- (g) a forced marriage protection order or interim forced marriage protection order made under any of the following provisions—
 - (i) Part 4A of the Family Law Act 1996(10);
 - (ii) section 2 of, and paragraph 1 of Schedule 1 to, the Forced Marriage (Civil Protection) Act 2007(11); and
 - (iii) sections 1 or 5 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011(12).

Additional persons who may attest anonymous registration applications

4. In the application of regulations 31G(3) (evidence that must accompany an anonymous registration application) and 31H(2)(a) (evidence that satisfies the safety test for anonymous registration) of the 2001 Regulations to registration in the register of young voters—

- (a) an attestation within the meaning of regulation 31J of the 2001 Regulations (evidence by attestation) may also be made and signed by any person authorised in writing by the person prescribed by paragraph (4)(f) of that regulation (any chief social work officer in Scotland); and
- (b) where an attestation is made and signed by a person so authorised, a copy of the authorisation must be attached to the attestation.

(3) Regulations 31G to 31J were inserted by S.I. 2007/925 and are applied for the purposes of the register of young voters by section 6 and Part 3 of schedule 1 to the Scottish Independence Referendum (Franchise) Act 2013 (asp 13). Regulations 31I and 31J are amended by S.I. 2009/725; there are other amendments to regulation 31J that are not relevant to these Regulations.

(4) 1997 c.40; section 8 was amended by section 1(1) of the Domestic Abuse (Scotland) Act 2011 (asp 13) and section 16 of, and schedule 2 to, the Damages (Scotland) Act 2011 (asp 7). Section 8A was inserted by section 1(2) of the Domestic Abuse (Scotland) Act 2011 (asp 13).

(5) 1981 c.59; section 14 was amended by section 10 of, and schedule 3 to, the Family Law (Scotland) Act 2006 (asp 2) (“the 2006 Act”) and by S.S.I. 2006/384.

(6) Section 18A was inserted by section 31(3) of the 2006 Act.

(7) 2004 c.33; section 113 was amended by sections 33 and 45(2) of, and schedule 1, paragraph 8 and schedule 3 to, the 2006 Act and by S.S.I. 2006/384.

(8) 2011 asp 13.

(9) 2001 asp 14; section 1 was amended by sections 32 and 45(2) of, and schedule 3 to, the 2006 Act.

(10) 1996 c.27; Part 4A was inserted by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c.20).

(11) 2007 c.20.

(12) 2011 asp 15.

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in connection with the anonymous registration of young voters for the purposes of an independence referendum.

Article 3 extends the types of orders and injunctions that may accompany an application for anonymous registration. The effect is that where an order or interdict of the type described in this Order is evidenced, an applicant will be taken to satisfy the ‘safety test’ which is required for anonymous registration. The safety test is that the safety of the applicant or that of any other person of the same household would be at risk if the register of young voters contained the applicant’s name or qualifying address.

Article 4 allows a chief social work officer in Scotland to authorise other persons to make and sign attestations certifying that there is such a risk. An applicant can demonstrate that he or she satisfies the safety test by means of such an attestation, rather than an order, injunction or interdict.