

SCHEDULE 3

ABSENT VOTING

Absent voting lists: supply of copies, etc.

16.—(1) Any person entitled to be supplied, in accordance with any of the provisions specified in sub-paragraph (2), with copies of the full register is also a person entitled, subject to this paragraph and paragraph 20, to request that the ERO supply, free of charge, the relevant part (within the meaning of those provisions) of a copy of any of the following information which the ERO keeps—

- (a) the current version of the information which would, in the event of a particular Scottish parliamentary election, be included in the postal voters list, the list of proxies or the proxy postal voters list;
 - (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters list.
- (2) The provisions referred to in sub-paragraph (1) are—
- (a) paragraph 3 of Schedule 1 (supply of full register etc. to elected representatives for electoral purposes and restrictions on use);
 - (b) paragraph 4 of Schedule 1 (supply of full register etc. to certain candidates and restrictions on use); and
 - (c) the following provisions of the 2001 Regulations—
 - (i) regulation 104(1) (supply of full register etc. to local constituency parties and restrictions on use); and
 - (ii) regulation 105(2) (supply of full register etc. to registered political parties etc. and restrictions on use).
- (3) A request under sub-paragraph (1) shall be made in writing and shall specify—
- (a) the information (or the relevant parts of the information) requested;
 - (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
 - (c) whether a printed copy of the records or lists is requested or a copy in data form.
- (4) A person who obtains any information under this paragraph may use it only for—
- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998(3); or
 - (b) electoral purposes,

and such use shall be subject to any restrictions specified in paragraph 20 or, where the request for entitlement is made by reference to entitlement under the provisions specified in sub-paragraph (2), subject to any restrictions which would apply to the use of the full register under whichever of those provisions entitled that person to obtain that information.

(5) The ERO shall supply the current copy of the information requested under sub-paragraph (1), as soon as practicable after receipt of a request that is duly made.

(6) The ERO shall supply a copy of the postal voters list or the proxy postal voters list as soon as practicable after 5 pm on the eleventh day before the day of the poll, in response to a request under sub-paragraph (1) that has been duly made.

(1) Regulation 104 was inserted by [S.I. 2002/1872](#).

(2) Regulation 105 was inserted by [S.I. 2002/1872](#).

(3) [1998 c.29](#).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Scottish Parliament (Elections etc.) Order 2015 ISBN 978-0-11-102982-4

- (7) As soon as practicable after 5 pm on the sixth day before the day of the poll the ERO shall –
- (a) make a copy of the postal voters list, the list of proxies and the proxy postal voters list available for inspection at the ERO’s office in accordance with paragraph 17;
 - (b) if the ERO is not the CRO for any constituency or part of a constituency in the area for which the ERO is the ERO, send to the CRO a copy of those lists; and
 - (c) supply a final copy of the postal voters list, the list of proxies or the proxy postal voters list in response to every request under sub-paragraph (1) that has been duly made.

(8) The ERO shall supply a final copy of the list of proxies, updated to include any additions to that list made in consequence of any applications granted in accordance with paragraph 9(4), as soon as practicable after 5 pm on the day of the poll, to every person who received that list in accordance with sub-paragraph (7)(c).

(9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to that person any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(10) A processor may not disclose the information covered by sub-paragraph (1) except to the person who supplied it to the processor or any other person, or an employee of such a person, who is entitled to obtain a copy of that information under this paragraph.