

*This draft Order supersedes the draft of the same title which was laid before the Scottish Parliament on 14 January 2020 and published on 15 January 2020 (ISBN 978-0-11-104382-0). It is being issued free of charge to all known recipients of that draft Order.*

*Draft Order laid before the Scottish Parliament under section 11(2) of the Electoral Registration and Administration Act 2013, for approval by resolution of the Scottish Parliament.*

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## DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

# REPRESENTATION OF THE PEOPLE

## The Representation of the People (Annual Canvass) Amendment (Scotland) Order 2020

*Made* - - - - 2020

*Coming into force* - - 3rd March 2020

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 7(1) and (2), 11(3) and (4) of the Electoral Registration and Administration Act 2013<sup>(1)</sup> (“the 2013 Act”) and all other powers enabling them to do so.

In accordance with 11(2) of the 2013 Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament. In accordance with section 8(6) of the 2013 Act, the draft instrument was accompanied by a report of the Electoral Commission.

### **Citation, commencement and extent**

1.—(1) This Order may be cited as the Representation of the People (Annual Canvass) Amendment (Scotland) Order 2020 and comes into force on 3 March 2020.

(2) This Order extends to Scotland only.

### **Amendments to the Representation of the People Act 1983**

2. The Representation of the People Act 1983<sup>(2)</sup> is amended in accordance with articles 3 to 5.

3. In section 9A (registration officers: duty to take necessary steps), in subsection (2)—

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(1) 2013 c.6. The functions of the Secretary of State are, insofar as within devolved competence, transferred to the Scottish Ministers by section 9 of the Scotland Act 2016 (c.11) and section 53 of the Scotland Act 1998 (c.46).

(2) 1983 c.2. Section 9A(2) was inserted by section 9(1) of the Electoral Administration Act 2006 (c.22) and amended by paragraphs 1 and 6(1) and (3) of schedule 4 of the 2013 Act and section 18(3)(b) and (c) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13); section 9D was inserted by section 4 of the 2013 Act; paragraph 3C of schedule 2 was inserted by paragraph 20(1) and (5) of schedule 4 of that Act. Each of these provisions of the 2013 Act were amended by S.I. 2019/1451 and S.I. 2020/[ ] (W.).

- (a) in paragraph (za), after “England” insert “or in Scotland”,
  - (b) in paragraph (a), omit “in Scotland or”,
  - (c) in paragraph (ba), after “England” insert “or in Scotland”.
4. In section 9D (maintenance of registers: duty to conduct canvass in Great Britain)—
- (a) in subsection (4) omit “Scotland or”,
  - (b) in subsection (5)(aa) omit “Scotland or”.
5. In paragraph 3C of schedule 2 (provisions which may be contained in regulations as to registration etc.)—
- (a) in sub-paragraph (1) omit “Scotland or”,
  - (b) in sub-paragraph (1A) after “England” insert “or in Scotland”.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 ([S.I. 2019/1451](#) (“the 2019 Regulations”)) make provision in relation to the reformed annual canvass in respect of a parliamentary register of electors and local government register of electors in England. The Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020 (S.I. 2020/ (W. ) will make provision for the reformed annual canvass to apply to a register of local government electors in Wales.

This Order amends the provisions on the annual canvass in the Representation of the People Act 1983 (“the 1983 Act”). Article 3 amends section 9A(2) to amend the provision in respect of the steps which a registration officer must take for the purposes of complying with his duty to maintain the register of local government electors. Article 4 amends section 9D of that Act in 2 ways. First, it amends subsection (4) by giving a further example of a function that may be conferred on the Electoral Commission by way of regulations. Second, it amends subsection (5) by adding to the list of examples for which a registration officer may make house to house inquiries for the purposes of the canvass.

Article 5 amends paragraph 3C of schedule 2 of the 1983 Act to allow Scottish Ministers to make regulations authorising or requiring a registration officer conducting a canvass for the purposes of a register of local government electors in Scotland to take steps for the purposes of obtaining information when conducting the canvass.

The Scottish Government has prepared and is publishing on its website a Business and Regulatory Impact Assessment and an Equality Impact Assessment.