

Draft Regulations laid before the Scottish Parliament under section 201(2) of the Representation of the People Act 1983 and section 15(6) of the Scottish Elections (Reduction of Voting Age) Act 2015 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Annual Canvass)
(Miscellaneous Amendments) (Scotland) Regulations 2020**

Made - - - - 2020
Coming into force - - 27th April 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 9D(3) and (4), 53(1) and (3) and paragraphs 1(2), 1A, 1B, 3ZA, 3C, 10(1) and 13(1ZB) of schedule 2 of the Representation of the People Act 1983⁽¹⁾ (“the 1983 Act”) and section 15 of the Scottish Elections (Reduction of Voting Age) Act 2015⁽²⁾ (“the 2015 Act”) and all other powers enabling them to do so.

In accordance with section 53(5) of the 1983 Act⁽³⁾, section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000⁽⁴⁾ and section 15(5) of the 2015 Act, the Scottish Ministers have consulted the Electoral Commission. In accordance with section 53(5) of the 1983 Act, the Scottish Ministers have also consulted the Information Commissioner. In accordance with section 53(5) of the 1983 Act and section 15(5) of the 2015 Act, the Scottish Ministers have consulted such other persons as they considered appropriate.

In accordance with section 201(2) of the 1983 Act⁽⁵⁾ and section 15(6) of the 2015 Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1983 c.2 (“the 1983 Act”). Section 9D was inserted by section 4 of the Electoral Registration and Administration Act 2013 (c.6) (“the 2013 Act”) and was relevantly amended by S.I. 2019/1451 and S.S.I. 2020/62. Section 53 was relevantly amended by paragraph 13(b) of schedule 1, and Part 1 of schedule 7, of the Representation of the People Act 2000 (c.2) (“the 2000 Act”). Section 201(3) was inserted by paragraph 21 of schedule 1 of the 2000 Act. Paragraph 1(2) of schedule 2 was amended by paragraph 24 of schedule 1 of the 2000 Act and paragraph 20 of schedule 4 of the 2013 Act. Paragraphs 1A, 1B and 3C of schedule 2 were inserted by paragraph 2 of schedule 2 of the 2013 Act. Paragraph 1A was relevantly amended by paragraph 18(2) of schedule 19 of the Data Protection Act 2018 (c.12). Paragraph 1B was amended by S.I. 2019/1451. Paragraph 3C was relevantly amended by S.I. 2019/1451 and S.S.I. 2020/62. Paragraph 13(1ZB) was inserted by paragraph 4 of schedule 2 of the 2013 Act. “Prescribed” in paragraph 13(1ZB) means, as defined in section 202(1) of the 1983 Act, prescribed by regulations. The functions of the Secretary of State were, 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) 2015 asp 7.
- (3) Section 53(5) was inserted by paragraph 5 of schedule 2 of the 2013 Act.
- (4) 2000 c.41.
- (5) Section 201(2) was substituted by paragraph 69 of schedule 4 of the Representation of the People Act 1985 (c.50) and amended by article 5(b) of S.I. 1991/1728, paragraph 6(7)(b) of schedule 21 of the Political Parties, Elections and Referendums Act 2000 and section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 and come into force on 27 April 2020.

(2) These Regulations extend to Scotland only.

Amendments to the Representation of the People (Scotland) Regulations 2001

2. The Representation of the People (Scotland) Regulations 2001(6) are amended in accordance with regulations 3 to 14.

3. In regulation 3(1) (interpretation) in the definition of “digital service” omit “of parliamentary electors”.

4. Regulation 26(3)(eb) (applications for registration) is revoked.

5. Regulation 32ZA (annual canvass: register of local government electors) is revoked.

6. Regulation 32ZB (steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address) is revoked.

7. In regulation 32ZBA (annual canvass)—

(a) in paragraphs (1), (2) and (4) omit “of parliamentary electors” in each place where it occurs,

(b) in paragraph (5)(b)(ii), after “regulation 32ZBF(5)” insert “or (5A)”,

(c) in paragraphs (6) and (8) omit “in respect of a register of parliamentary electors”.

8. In regulation 32ZBB (annual canvass data matching), in paragraph (1) omit “of parliamentary electors”.

9. In regulation 32ZBC (processing of information in connection with annual canvass data matching), in paragraph (1)(a) omit “of parliamentary electors”.

10. In regulation 32ZBD (annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received)

(a) in paragraph (1) omit “of parliamentary electors”,

(b) in paragraph (4)—

(i) after sub-paragraph (b) insert—

“(ba) where the registration officer holds a telephone number for one or more persons aged 16 or over who are registered in the register of local government electors at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;”,

(ii) at the end of sub-paragraph (c) omit “or”,

(iii) after sub-paragraph (c) insert—

(6) S.I. 2001/497. Relevant amendments to regulation 3 were made by S.I. 2013/3206, S.I. 2016/997 and S.I. 2019/1451. Regulation 26 was substituted by S.I. 2013/3206 and subsequently amended by S.I. 2015/1966, 2017/602, 2017/604, S.I. 2018/89 and 2018/427 and section 5 of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7). Regulations 32ZA and 32ZB were inserted by S.I. 2013/3206. Regulations 32ZBA to 32ZBG were inserted by S.I. 2019/1451. Regulation 93A was inserted by S.I. 2013/3206 and subsequently amended by S.I. 2018/427 and S.I. 2018/89. Each of the provisions was amended by S.I. 2019/1451.

- “(ca) where the registration officer holds relevant contact details for one or more persons aged 16 or over who are registered in the register of local government electors at the address, and whom the registration officer believes are resident at the address, by sending a communication by electronic means to each of those persons; or”
- (c) in paragraph (8), after “(4)(b)” insert “or (ba)”
- (d) in paragraph (9)—
 - (i) in sub-paragraph (a)(i) omit “of parliamentary electors”
 - (ii) at the end of sub-paragraph (a)(i) omit “and”
 - (iii) after sub-paragraph (a)(ii) insert—
 - “(iii) the full name, date of birth and nationality of each person whose application to be registered at the address in a register of local government electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant’s name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and”
- (e) after paragraph (9) insert—
 - “(9A) In relation to the registration of local government electors, the registration officer must not, under paragraph (9), print on the form the date of birth of any person aged under 16.”

11. In regulation 32ZBE (annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required)—

- (a) in paragraphs (1), (2), (6) and (7), omit “of parliamentary electors” in each place where it occurs,
 - (b) in paragraph (3), for sub-paragraph (b) substitute—
 - “(b) where—
 - (i) the registration officer hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors, or
 - (ii) the registration officer hold relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors,
- a communication by electronic means to each of those persons.”
- (c) in paragraph 4, for “paragraph (3)(b)” substitute “paragraph (3)(b)(i),
 - (d) after paragraph 4 insert—
 - “(4A) Any communication sent under paragraph (3)(b)(ii) must require the recipient to—
 - (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of local government electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate;
 - (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 14 or over

who is residing at the address and who is eligible to be registered in a register of local government electors; and

- (c) provide to the registration officer the date of birth of each person aged 14 or 15 who is residing at the address and who is eligible to be registered in a register of local government electors.”,

(e) in paragraph (5)(b) for “paragraph (3)(b)” substitute “paragraph (3)(b)(i)”,

(f) after paragraph 5 insert—

“(5A) In circumstances where a registration officer—

- (a) does not hold relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors; or
- (b) has sent a communication by electronic means under paragraph (3)(b)(ii) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.”.

12. In regulation 32ZBF (annual canvass in respect of particular types of property)—

(a) in paragraph (4)—

- (i) omit “of parliamentary electors”,
- (ii) after “paragraph (5)” insert “or (5A)”,

(b) after paragraph (5) insert—

“(5A) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 14 or over who is residing at that property and is eligible to be registered in a register of local government electors—

- (a) full name;
- (b) nationality;
- (c) date of birth.”,

(c) in paragraphs (6), (7) and (8) after “paragraph (5)” insert “or (5A)”.

13. In regulation 32ZBG (electoral commission requirements)—

(a) in paragraph (3)—

- (i) in sub-paragraph (a), (b) and (d)(ii) omit “of parliamentary electors”,
- (ii) at the end of sub-paragraph (d)(i) delete “and”,
- (iii) at the end of sub-paragraph (d)(ii) insert—

“and

(iii) to provide the registration officer with the full name, date of birth and nationality of each person aged 14 or 15 who is eligible to be registered in the register of local government electors, and is residing at an address to which the communication relates, where that information is not included in the communication;”,

(b) in paragraph (4)—

- (i) in sub-paragraph (a), (b) and (d) omit “of parliamentary electors”,
- (ii) after sub-paragraph (e) insert—

“(f) require the recipient to provide the full name, date of birth and nationality of each person aged 14 or 15 who is eligible to be registered in a register of local government electors and is residing at the address to which the form is delivered.”

14. In regulation 93A (notifying registration officer of change to edited register preference), omit paragraph (3).

Amendment to the Scottish Elections (Reduction of Voting Age) Act 2015

15. The Scottish Elections (Reduction of Voting Age) Act 2015(7) is amended in accordance with regulation 16.

16. In section 14(2) (exceptions from prohibition on disclosure), for “32ZA(5) and (5A)” substitute “32ZBD(9) and (9A)”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 ([S.I. 2019/1451](#) (“the 2019 Regulations”) amended the Representation of the People (Scotland) Regulations 2001 (“the 2001 Regulations”) to reform the annual canvass in respect of a parliamentary register of electors. These Regulations make provision for the reformed annual canvass to apply to a register of local government electors in Scotland.

Regulations 3 to 14 of these Regulations amend the 2001 Regulations. Regulations 7 to 14 amend regulations 32ZBA to 32ZBG, which were inserted by the 2019 Regulations, so that they apply to the annual canvass for the local government register in Scotland. In extending the regulations 32ZBA to 32ZBG to all registers, specific provision is made in regulations 32ZBD to 32ZBG to reflect that 16 and 17 year olds are entitled to vote in local government and Scottish Parliament elections and attainers (14 and 15 year olds) are also entitled to be registered.

Regulations 5 and 6 revoke regulations 32ZA and 32ZB of the 2001 Regulations which make provision for the annual canvass. Regulations 15 and 16 make a consequential change to Scottish Elections (Reduction of Voting Age) Act 2015 following the revocation of the reform of the annual canvass.

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