

## SCHEDULE 8

### ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

#### **Inspection of documents open to public inspection**

**3.—**(1) Any person is entitled to request that the CRO make available for inspection a copy of any of the following documents (referred to in this Schedule as “the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to a Scottish parliamentary election as the CRO is required by or under any enactment to retain for any period except—
  - (i) ballot papers;
  - (ii) completed corresponding number lists;
  - (iii) certificates as to employment on the day of the election;
  - (iv) the list under paragraph 25(4) of Schedule 4.

(2) A request under sub-paragraph (1) must be made in writing and must specify—

- (a) which documents are requested;
- (b) the purposes for which the information in any document will be used;
- (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve those purposes;
- (d) who will inspect the documents;
- (e) the date on which they wish to inspect the documents; and
- (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to sub-paragraph (5), the CRO must make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) In computing the period referred to in sub-paragraph (3), Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, Easter Monday or a day which is a bank holiday in Scotland under section 1 of the Banking and Financial Dealings Act 1971(1) shall be disregarded.

(5) Where a request has been made to inspect copies of the marked register or lists under sub-paragraph (2) and the CRO is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, the CRO must—

- (a) inform the requestor of the CRO’s decision under this paragraph; and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43 of the 2001 Regulations.

(6) A person who obtains a copy of or information in any document open to public inspection under this paragraph may use it only for the permitted purposes specified in paragraph 5, and any conditions—

- (a) specified in that paragraph;
- (b) specified in sub-paragraph (8); or

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(1) 1971 c.80.

*Status: This is the original version (as it was originally made).*

- (c) which would apply to the use of the full register under regulation 108 of the 2001 Regulations where such a person had obtained a copy of that document under sub-paragraph (9),

shall apply to such use.

(7) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the CRO must ensure that the manner in which, and equipment on which, that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic or any other means.

(8) Subject to sub-paragraph (9) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(9) The CRO must, on request, supply free of charge copies of any documents open to public inspection—

- (a) to the Security Service, the Government Communications Headquarters, or the Secret Intelligence Service;
- (b) to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 108 of the 2001 Regulations applies.