

# Final Business and Regulatory Impact Assessment

## 1. Title of Proposal

The Representation of the People (Scotland) Amendment Regulations 2018

## 2. Purpose and intended effect

### Context

The anonymous registration scheme is intended to allow those who may be at risk of abuse, should their location become known, to register to vote but without their name appearing on the publically available electoral register. There are currently under 130 anonymous electors registered in Scotland.

The anonymous registration scheme requires that an application is accompanied by evidence that proves the safety of the applicant, or other named persons in the applicant's household, would be at risk if the register contained the applicant's name or address. The evidence accepted is either one of the listed court orders or injunctions or an attestation by a "qualifying officer".

The wider registration system measures in these Regulations are intended to improve the registration system in relation to the register of local government electors in Scotland by adding additional warnings on the application for registration form; expanding the sources of information which can be used by Electoral Registration Officers when determining to delete deceased voters and changing the status of some correspondence from mandatory to discretionary.

### Objectives

The intention behind the anonymous electoral registration changes is to increase the accessibility of the anonymous registration scheme for those who genuinely need to use it, while continuing to respect integrity of the electoral register through the provision of appropriate evidence. The changes extend the type of evidence accepted as proof that an individual's safety would be at risk if they appeared on the electoral register, thereby making it easier to access the scheme.

The wider registration system measures are intended to make it easier for an Electoral Registration Officer to remove an elector who they have been informed has died from the electoral register. The intention is to reduce unnecessary contacts with the deceased's family at a particularly stressful time.

The Electoral Registration Officer must continue to be satisfied that the information they have received allows them to determine that the elector has died and should be removed from the register. Where they have any concerns they remain able to seek additional sources of information to support their decision.

### Rationale for Government intervention

These Regulations are being made to improve access to the anonymous registration scheme, and to enhance the wider registration scheme in respect of the register of local government electors in Scotland.

The policy objectives of the registration review changes are intended to make the electoral registration process as a whole more effective, efficient and streamlined.

These policy changes contribute to the following objectives of the National Performance Framework by ensuring that eligible electors can vote without their identity being made publically available:

- We have tackled the significant inequalities in Scottish society
- We have improved the life chances for children, young people and families at risk
- We live our lives safe from crime, disorder and danger

### **3. Consultation**

Because of the UK wide nature of the changes to the anonymous registration scheme, a single consultation was carried out by the Cabinet Office covering the whole of the UK. A policy statement was published in March 2017 for public comment. The policy statement can be viewed here (<https://www.gov.uk/government/news/government-commits-to-helping-survivors-of-domestic-abuse>). 12 formal responses were received to this consultation from a range of organisations including: representative bodies for medical professionals, domestic violence and abuse support organisations, electoral administrators and their representative bodies and local authorities. All responses were supportive of the changes suggested. The response to policy statement is available at (<https://www.gov.uk/government/publications/a-democracy-that-works-for-everyone-survivors-of-domestic-abuse-response-to-policy-statement>).

For the changes to the wider registration system, informal consultation was carried out in the summer of 2017 and a formal joint consultation was carried out by the Scottish and UK Governments in October 2017. The result was positive with the Association of Electoral Administrators providing only minor drafting comments, which were considered in finalising the Regulations.

No specific consultation was undertaken with businesses as the proposed changes do not have any significant effect on the private sector.

A more detailed commentary on the consultation and responses can be found in the Policy Note for these Regulations.

### **4. Options**

#### Option 1: Amend the Scheme

This option would amend the Representation of the people (Scotland) Regulations 2001 to:

- lower the required seniority of qualified attestors in the police force from superintendent to inspector;
- add health /medical professionals (including general practitioners, midwives and nurses) and refuge managers to the list of qualified attestors;
- add domestic violence protection orders (DVPOs) and female genital mutilation (FGM) protection orders to the list of court orders accepted as evidence for anonymous registration; and
- enact the registration review measures around the removal of deceased electors from the register and the notification requirements around appeal hearings

### Sectors and groups affected

The following are likely to be affected by the proposed amendments: individuals who are at risk from abuse; Police Scotland; health and medical professionals; refuge managers; and Electoral Registration Officers and their staff.

### Benefits

It is anticipated that the number of applications for anonymous electoral registration will increase due to the application process being made easier. This will reduce the risk of electors being subject to abuse by ensuring that their names and addresses are not made publically available.

The changes around the removal of deceased electors from the electoral register will reduce unnecessary contacts with the deceased's family and will reduce the pressure on relatives at a stressful point in their lives.

The changes around notification requirements will reduce unnecessary contacts with those who have not engaged with an appeal process.

### Costs

As is currently the case, it is assumed that the majority of attestations will continue to come from the police force and social service professionals as applicants are most likely to have access to these professions. The additional time taken for attestors to produce attestations is expected to be low, given that the majority of attestations are likely to be completed as part of routine meetings regarding the elector's wellbeing.

As is the case with social workers, we would expect refuge managers to complete any attestations as part of any meeting discussing practical support for victims of abuse.

Whilst most health and medical professionals will probably complete attestations as part of a patient's consultation, GPs are able to charge for some services they provide, which this will include attestations. We assume that only a minority of GPs will charge for their services and that any charges involved will be in the range of £30-£63.

Electoral Registration Officers must process applications to register anonymously. If, as we expect, there is an increase in the number of anonymous electoral registration applications then this will have a cost consequence. However, Electoral Registration Officers have indicated that there are no additional resources required to processing attestations for anonymous registrations compared to a regular application with an attestation

However, applications that are accompanied by court orders are likely to take additional time for Electoral Registration Officers to process. The additional processing time per application is estimated at about 15 minutes. As indicated earlier, the majority of anonymous electoral registration applications follow the attestation route and we therefore do not estimate that the increased costs on Electoral Registration Officers will be significant.

It is anticipated that the streamlining of the correspondence around hearings and notification of appeal outcomes will result in savings for Electoral Registration Officers due to a reduction in the time needed to produce correspondence and for associated postage costs. The savings involved are difficult to quantify.

#### Option 2: Do nothing.

This option would not address the policy objectives of providing greater access to the anonymous registration scheme, for those whose safety would be at risk if their name and address appeared on the electoral register, and the streamlining of the electoral registration system.

### **5. Scottish Firms Impact Test**

There will be no impact on Scottish firms.

### **6. Legal Aid Impact Test**

The proposals will have no effect on Legal Aid.

### **7. Enforcement, sanctions and monitoring**

Electoral Registration Officers will be asked to monitor any changes to the number of successful applications for anonymous electoral registration. This should enable us to gauge whether the proposals are having the intended effects.

### **8. Implementation and delivery plan**

The Government is working with the Electoral Commission (EC), which is responsible for producing the updated guidance on the changes to the anonymous electoral registration scheme for electoral administrators, newly qualified attestors and potential users. The Electoral Commission will update the relevant guidance and it will be published concurrently once the legislation comes into force.

On the Registration Review scheme, the EC will update the electoral registration guidance and it will be issued to coincide with the introduction of the legislative changes.

## **9. Post-implementation review**

The policy will be reviewed once the changes are embedded in order to ensure it successfully increases access to registration and that it streamlines the electoral registration system.

## **10. Summary and recommendation**

Option 1 will successfully lower barriers faced by domestic abuse survivors/victims to anonymous registration, and will streamline the electoral registration process, making it more efficient.

Option 2 does not address our policy objectives.

We therefore propose to proceed to amend the relevant legislation accordingly.

## **11. Declaration and publication**

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed.

Minister for Parliamentary Business  
January 2018

### **Contact**

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