
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Representation of the People (Scotland) Regulations 2001 (“the 2001 regulations”) in consequence of the Scottish Elections (Franchise and Representation) Act 2020 (“the 2020 Act”).

Regulations 3, 4(b) and 5 amend relevant references in the 2001 Regulations to a “relevant citizen of the Union” to refer to a “qualifying foreign national.” This reflects the introduction of “qualifying foreign national” as an eligible category of local government elector in Scotland by section 1 of the 2020 Act. Section 1 of the 2020 Act removes EU Citizens as a particular category of local government electors in Scotland.

Regulation 4(a) inserts a new paragraph into regulation 26 of the 2001 regulations to provide that in relation to the registration of local government electors in Scotland, an applicant for registration who is a prisoner is required to provide their prisoner number. Section 5 of the 2020 Act amended section 3 of the Representation of the People Act 1983 (“ROPA”) to provide that a person who is detained in a prison in pursuance of a sentence not exceeding 12 months is eligible to vote as a local government elector in Scotland.

Regulation 6 provides that regulation 32ZD(3) of the 2001 regulations does not apply where on the date that an invitation to apply for registration under section 9E(1) of ROPA is provided, the recipient was a prisoner who was eligible to apply for registration as a local government elector in Scotland. Regulation 32ZC(3) provides that a registration officer may visit an address following a first invitation to register in order to encourage an application for registration and must make or have made one visit if no application has been received in response to the third such invitation.

Regulation 7 amends regulations 42 of the 2001 regulations to provide for a new “marker” (“M”) to appear on the register of electors in relation to qualifying foreign nationals and prisoners who are registered as local government electors in Scotland.