

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

REPRESENTATION OF THE PEOPLE

**The Representation of the People
(Scotland) (Amendment) Regulations 2018**

Made - - - - *****

Coming into force in accordance with regulation 1

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(1), the Secretary of State has consulted the Electoral Commission before making these Regulations.

In accordance with section 201(2) of the Representation of the People Act 1983(2), a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes these Regulations in exercise of the powers conferred by sections 9B(1A)(3), 10ZC(3), 10ZD(3), 10ZE(4) and 53(1)(b)(i) and (c), and (3) of, and paragraphs 1(2) and (2A), 3ZA, 5(1B), 10 and 13(2) of Schedule 2 to, the Representation of the People Act 1983(4).

(1) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.

(2) 1983 c. 2. Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000, section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and article 5(b) of S.I. 1991/1728.

(3) See the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983 (“the 1983 Act”).

(4) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and sub-section (1A) was substituted by paragraphs 1 and 7(1) and (2) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) (“the 2013 Act”). Sections 10ZC, 10ZD and 10ZE were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act. Section 53(1)(b) and (c) were substituted by paragraph 13(b) of Schedule 1 to the Representation of the People Act 2000 (c. 2). Section 53(3) was amended by section 24 of, and paragraph 13(b) of Schedule 4 to, the Representation of the People Act 1985. Paragraph 1(2) of Schedule 2 was amended by section 8 of, and paragraphs 1 and 24 of Schedule 1 to, the Representation of the People Act 2000 and by section 12(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act. Paragraph 1(2A) and 3ZA of Schedule 2 were inserted by section 2 of the 2013 Act. Paragraph 5(1B) of Schedule 2 was inserted by paragraphs 2 and 15(1) and (5) of Schedule 1 to the Electoral Administration Act 2006. By virtue of section 9 of the Scotland Act 2016 (c. 11) the 1983 Act is a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46), so far as the functions of the Secretary of State under the 1983 Act are exercisable within devolved competence. As a result, those functions which are exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.