
 STATUTORY INSTRUMENTS

1986 No. 139 (S. 9)

REPRESENTATION OF THE PEOPLE

The Representation of the People (Scotland) Amendment
Regulations 1985

Approved by both Houses of Parliament

<i>Made - - - -</i>	<i>29th November 1985</i>
<i>Laid before Parliament</i>	<i>4th December 1985</i>
<i>Coming into Operation</i>	<i>3rd February 1986</i>

In exercise of the powers conferred upon me by sections 53 and 201(1) of, and paragraphs 11 and 11A of Schedule 2 to, the Representation of the People Act 1983 (a), having regard to the definition of "prescribed" in section 202(1) of that Act, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Representation of the People (Scotland) Amendment Regulations 1985.

(2) These regulations shall, subject to their having been approved by resolution of each House of Parliament, come into operation on 3rd February 1986:

Provided that these regulations shall not have effect in respect of any register of electors applicable at any time prior to the publication of registers of electors which under section 13(1)(b) of the Representation of the People Act 1983 are required to be published not later than 15th February 1986, or any data relating to such registers.

(3) These regulations shall extend to Scotland only.

2. In these regulations the expression "the principal regulations" means the Representation of the People (Scotland) Regulations 1983 (b).

3. In regulation 3(1) of the principal regulations (interpretation)—

(a) after the definition of "British Council employee" there shall be inserted the following:—

“candidate” means—

(a) in relation to a parliamentary election, a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(b) in relation to a local government election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

“constituency” means a parliamentary constituency; ’;

(a) 1983 c.2; paragraph 11A was inserted by paragraph 87(c) of Schedule 4 to the Representation of the People Act 1985 (c.50).

(b) S.I. 1983/548, to which there are amendments not relevant to these regulations.

(b) after the definition of “Crown servant” there shall be inserted the following:—

“data” and “data user” have the same meanings as in section 1 of the Data Protection Act 1984;’ (a).

4. In regulation 28 of the principal regulations (sale of register) for the words “15p for each one thousand (or part of one thousand)” there shall be substituted the words “20p for each one thousand (or remaining part of one thousand)” and for the words “£1.50 for each one thousand (or part of one thousand)” there shall be substituted the words “£2 for each one thousand (or remaining part of one thousand)”.

5. After regulation 28 of the principal regulations, there shall be inserted the following regulations:—

Supply of data

28A.—(1) This regulation applies only to a registration officer who is a data user.

(2) In this regulation—

“data to which this regulation applies” means data consisting of the names of those persons included in the register of electors, together with any data, other than data to which paragraph (3) below applies, consisting of information relating to them including—

- (i) their electoral numbers;
- (ii) except where the address is excluded from the register under regulation 13(2), their addresses; and
- (iii) any distinguishing letter;

“holds” has the same meaning as in section 1(5) of the Data Protection Act 1984.

(3) The registration officer shall not supply data which consists of information (including addresses) which is not required to be published in the register of electors in accordance with those provisions of the Act of 1983 or these regulations which relate to the registration of electors:

Provided that this restriction shall not apply to the supply of data to the returning officer for the constituency.

(4) Any obligation on the registration officer to supply data under this regulation imposes an obligation to supply only such data which is recorded in the form in which he holds it and only data which relates to a whole constituency.

(5) The registration officer shall, on payment of a fee determined in accordance with paragraph (6) below, supply to a person who is entitled to a free copy (or copies) of the whole or part of the register under regulation 27, so much of the data to which this regulation applies as relates to the part or parts of the register to which such a person is so entitled:

Provided that not more than one person in respect of the same candidature shall be so supplied by virtue of the entitlement under regulation 27(1)(b).

(6) The fee for a person supplied with data under paragraph (5) above shall be at the rate of £1.50 for each thousand (or remaining part of one thousand) names in the data supplied.

(7) The registration officer may, on payment of a fee at the rate of £15 for each thousand (or remaining part of one thousand) names in the data supplied, supply data to which this regulation applies to a person other than a person to whom paragraph (5) above applies.

Supply of labels

28B.—(1) This regulation applies only to a registration officer who is a data user.

(2) In this regulation—

“relevant information” means the name and address of any elector whose name and address appear on the register of electors; and such other information as appears on the register as the registration officer thinks fit, but not information constituting data to which regulation 28A(3) applies.

(3) The registration officer may on application to him and on payment of a fee at the rate of £10 for each thousand (or remaining part of one thousand) labels supplied, supply to a person who is entitled to a free copy (or copies) of the whole or part of the register under regulation 27, labels containing relevant information extracted from so much of the data to which regulation 28A applies as relates to the part or parts of the register to which such a person is so entitled:

Provided that not more than one person in respect of the same candidature shall be so supplied by virtue of the entitlement under regulation 27(1)(b).

(4) The registration officer may on application to him and on payment of a fee at the rate of £20 for each thousand (or remaining part of one thousand) labels supplied, supply labels containing relevant information extracted from data to which regulation 28A applies to a person other than a person to whom paragraph (3) above applies.

(5) An application under this regulation may request the registration officer to supply labels containing relevant information extracted from data to which regulation 28A applies in respect of part only of the area for which the registration officer is authorised by this regulation to supply such labels; and, if the registration officer supplies labels under this regulation, he shall comply with that request.’

George Younger,
One of Her Majesty’s Principal
Secretaries of State.

New St Andrew’s House,
Edinburgh.
29th November 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Representation of the People (Scotland) Regulations 1983 ("the principal regulations"). They make two main changes.

First, the two rates of fee set out in regulation 28 of the principal regulations for the sale of the register of electors, are increased by regulation 4 of these regulations. The lower rate is increased from 15p for each thousand names in the register to 20p for each thousand names. This rate is chargeable to persons who have been supplied with a copy or copies of the register under regulation 27 of the principal regulations (referred to below as "interested parties") and who wish further copies of it. The higher rate is increased from £1.50 for each thousand names in the register to £2.00 for each thousand names and is chargeable to anyone else.

Second, regulation 5 of these regulations inserts new provisions 28A and 28B into the principal regulations providing for the supply of data (which, by virtue of the amendment made by regulation 3(b) of these regulations, has the same meaning as in the Data Protection Act 1984) and labels containing relevant information extracted from data. The new provisions apply only to electoral registration officers who are data users (within the meaning of the Data Protection Act 1984). Such an officer is required by regulation 28A(5) of the principal regulations (as inserted by regulation 5 of these regulations) to supply data consisting of information which is published in the register of electors to interested parties, on payment of the fee set out in regulation 28A(6) (as inserted). Supply to other persons (for whom the fee is higher) is discretionary under regulation 28A(7) (as inserted). The supply of labels, containing relevant information extracted from data, under regulation 28B (as inserted) is discretionary in all cases but interested parties can be supplied on payment of a fee at a lower rate than others.

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