

SCHEDULE 1

Article 3(2)

ELECTORS LISTS AND REGISTERS: MISCELLANEOUS AND RELATED PROVISION

ARRANGEMENT OF PARAGRAPHS

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Free copies of electors lists

1.—(1) The registration officer shall, on request, supply free of charge four copies of so much of the electors lists as relate to a constituency, so long as those lists are kept published, to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature for return as a constituency member for that constituency (but not more than one person in respect of the same prospective candidature shall be so supplied).

(2) The registration officer shall in accordance with sub-paragraphs (3) to (5) below on request supply free of charge four copies of so much of the electors lists as relate to a region, so long as those lists are kept published.

(3) Subject to sub-paragraphs (4) and (5) below, the registration officer shall supply such copies to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature—

- (a) as an individual candidate for return as a regional member for that region; or
- (b) as a candidate to be included on a registered party's regional list submitted for that region.

(4) With reference to the right conferred on a person by sub-paragraph (3)(a) above, not more than one person in respect of the same prospective candidature shall be so supplied.

(5) With reference to the right conferred on a person by sub-paragraph (3)(b) above, not more than one person in respect of the same regional list shall be so supplied, and, following such supply, the right may not be exercised again with respect to any other prospective candidate for inclusion in that list.

Free copies of register etc.

2.—(1) The registration officer shall, on request, supply free of charge—

- (a) one copy of so much of the register as relates to a constituency to the constituency member of the Scottish Parliament for that constituency; and
- (b) one copy of so much of the register as relates to a region to a regional member of the Scottish Parliament for that region.

(2) The registration officer shall, on request, supply free of charge—

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- (a) four copies of so much of the register (which may be printed on one side only) as relates to a constituency to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature for return as a constituency member for that constituency (but not more than one person in respect of the same prospective candidature shall be so supplied); and
 - (b) two copies of so much of the register (which may be printed on one side only) as relates to a constituency to each candidate for return as a constituency member for that constituency or his election agent.
- (3) The registration officer shall, on request, supply free of charge—
- (a) four copies of so much of the register (which may be printed on one side only) as relates to a region to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature—
 - (i) as an individual candidate for return as a regional member for that region; or
 - (ii) as a candidate to be included on a registered party's regional list submitted for that region; and
 - (b) two copies of so much of the register (which may be printed on one side only) as relates to a region to each—
 - (i) individual candidate for return as a regional member for that region (or his election agent); and
 - (ii) the election agent for a registered party submitting a regional list for that region.
- (4) With reference to the right conferred on a person by sub-paragraph (3)(a)(i) above, not more than one person in respect of the same prospective candidature shall be so supplied.
- (5) With reference to the right conferred on a person by sub-paragraph (3)(a)(ii) above, not more than one person in respect of the same regional list shall be so supplied, and, following such supply, the right may not be exercised again with respect to any other prospective candidate for inclusion in that list.
- (6) The registration officer shall supply free of charge—
- (a) one copy of so much of the register as relates to a constituency to the constituency returning officer for that constituency; and
 - (b) one copy of so much of the register as relates to a region to the regional returning officer for that region.

Sales of lists and register

3.—(1) The functions imposed on a registration officer by paragraph 1 above are to be treated as part of the registration duties of a registration officer for the purposes of regulation 52(1) of the 1986 Regulations.

(2) Regulation 52(1) of the 1986 Regulations shall also have effect as if it required, subject to the provisions of that regulation and sub-paragraph (1) above, the registration officer to supply to any person copies of any part or parts of the electors lists on payment, in the case of a person who—

- (a) has been supplied under paragraph 1 above with copies of any part of the electors lists; or
- (b) is a constituency returning officer or a regional returning officer,

of a fee at the rate of 25p for each thousand (or remaining part of one thousand) names in such copy.

(3) Regulation 52(3) of the 1986 Regulations shall have effect as if—

- (a) “any election” included a reference to a Scottish parliamentary election; and
- (b) “regulation 51 above”(where it first appears) included a reference to paragraph 2 above.

(4) Regulation 52(3) of the 1986 Regulations, subject to the provisions of that regulation and sub-paragraph (3) above, shall also have effect as if it required the registration officer to supply to any person copies of any part or parts of the register on payment, in the case of a person who—

- (a) has been supplied under paragraph 2 above with a copy of any part of the register; or
- (b) is a constituency returning officer or a regional returning officer,

of a fee at the rate of 25p for each thousand (or remaining part of one thousand) names in such copy.

Supply of data

4.—(1) This paragraph applies only to a registration officer who is a data controller.

(2) In this paragraph—

“data to which this paragraph applies” means data consisting of the names of those persons included in the register, together with any data, other than data to which sub-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 47(2) of the 1986 Regulations, their addresses; and
- (iii) any distinguishing letter, and

“processed” is to be interpreted in accordance with the definition of “processing” in section 2(2) of the Data Protection Act 1998(1).

(3) The registration officer shall not supply data under this paragraph which consists of information (including addresses) which is not required to be published in the register in accordance with those provisions of the 1983 Act and the 1986 Regulations which relate to the registration of electors (but this restriction shall not apply to the supply of data to a constituency returning officer or a regional returning officer).

(4) Any obligation on the registration officer to supply data under this paragraph imposes only an obligation to supply such data recorded in the form in which it is processed.

(5) An application under this paragraph may request the registration officer to supply data to which this paragraph applies in respect of part only of the area for which the registration officer is authorised by this paragraph to supply such data and, if the registration officer supplies or is required to supply data under this paragraph, he shall comply with such a request where it is practicable to do so.

(6) The registration officer shall, on payment of a fee determined in accordance with sub-paragraph (9) below, supply to a person, who is entitled to a free copy of the whole or part of the register under paragraph 2 (1) or (6) above, so much of the data to which this paragraph applies as relates to the part or parts of the register to which such a person is so entitled.

(7) The registration officer shall on payment of a fee determined in accordance with sub-paragraph (9) below supply to a person, who is entitled to free copies of the whole or part of the register under paragraph 2(2) or (3) above, so much of the data to which this paragraph applies as relates to the part or parts of the register to which such a person is so entitled.

(8) But—

- (a) where the entitlement derives by virtue of paragraph 2(2)(a) or (3)(a)(i) above, not more than one person in respect of the same prospective candidature shall be so supplied; or
- (b) where the entitlement derives by virtue of paragraph 2(3)(a)(ii) above, not more than one person in respect of the same regional list shall be so supplied, and, following such supply,

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the right may not be exercised again with respect to any other prospective candidate for inclusion in that list.

(9) The fee for a person supplied with data under sub-paragraph (6) or (7) above shall be at the rate of £1.80 for each thousand (or remaining part of one thousand) names in the data supplied.

(10) The registration officer may, on payment of a fee at the rate of £18 for each thousand (or remaining part of one thousand) names in the data supplied, supply data to which this paragraph applies to a person other than a person to whom sub-paragraphs (6) and (7) above apply.

Supply of labels

5.—(1) This paragraph applies only to a registration officer who is a data controller.

(2) In this paragraph, “relevant information” means the name and address of any elector whose name and address appear on the register, and such other information as appears on the register as the registration officer thinks fit, but not information constituting data to which paragraph 4(3) above applies.

(3) An application under this paragraph may request the registration officer to supply labels containing relevant information extracted from data to which paragraph 4 above applies in respect of part only of the area for which the registration officer is authorised by this paragraph to supply such labels and, if the registration officer supplies labels under this paragraph, he shall comply with such a request.

(4) The registration officer may on application to him and on payment of a fee at the rate of £12 for each thousand (or remaining part of one thousand) labels supplied, supply to a person, who is entitled to a free copy of the whole or part of the register under paragraph 2(1) or (6) above, labels containing relevant information extracted from so much of the data to which paragraph 4 above applies as relates to the part or parts of the register to which such a person is so entitled.

(5) The registration officer may on application to him and on payment of a fee at the rate of £12 for each thousand (or remaining part of one thousand) labels supplied, supply to a person, who is entitled to free copies of the whole or part of the register under paragraph 2(2) or (3) above, labels containing relevant information extracted from so much of the data to which paragraph 4 above applies as relates to the part or parts of the register to which such a person is so entitled.

(6) But—

- (a) where the entitlement derives by virtue of paragraph 2(2)(a) or (3)(a)(i) above, not more than one person in respect of the same prospective candidature shall be so supplied; or
- (b) where the entitlement derives by virtue of paragraph 2(3)(a)(ii) above, not more than one person in respect of the same regional list shall be so supplied, and, following such supply, the right may not be exercised again with respect to any other prospective candidate for inclusion in that regional list.

(7) The registration officer may, on application to him and on payment of a fee at the rate of £25 for each thousand (or remaining part of one thousand) labels supplied, supply labels containing relevant information extracted from data to which paragraph 4 above applies to a person other than a person to whom sub-paragraphs (4) and (5) above apply.

Alterations to published register

6.—(1) Where a registration officer publishes a notice under regulation 56(4)(b) of the 1986 Regulations stating that a new name has been added to the list of claims for inclusion in the register, regulation 56(7) of those regulations, shall have effect as if it additionally requires the registration officer, as soon as practicable after publication of that notice, to supply free of charge to each person to whom he has supplied a copy of so much of the register as relates to a constituency or region

under paragraph 2(2)(a) or, as the case may be, (3)(a), a copy of so much of the list of claims kept under regulation 56(4) of those regulations as relates to—

- (a) claims to which that notice applies; and
- (b) that constituency, or, as the case may be, region.

(2) Where a registration officer makes an alteration in a register pursuant to section 11(1) or (2) of the 1983 Act, regulation 60 of the 1986 Regulations, shall have effect as if it requires the registration officer to supply free of charge a copy of the alteration to each person to whom he has supplied a copy of the part of the register under paragraph 2 above, or by virtue of paragraph 3(4) above, to which the alteration relates.

Interpretation

7. In this Schedule—

- “data” has the same meaning as in section 1(1) of the Data Protection Act 1998; and
- “data controller” is to be interpreted in accordance with section 1(1) and (4) of that Act.