



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *Personal identifiers*

#### **21 Absent vote applications: provision of personal identifiers**

- (1) This section applies to an application under any of the paragraphs of Schedule 4 (absent voting in Great Britain) to the 2000 Act specified in subsection (2) if the application is made for the purposes only of local government elections in Scotland or a particular local government election in Scotland.
- (2) Those paragraphs are—
  - (a) paragraph 3(1) or (2) (applications to vote by post or proxy at elections for a definite or indefinite period),
  - (b) paragraph 4(1) or (2) (applications to vote by post or proxy at a particular election),
  - (c) paragraph 7(4) (applications to vote by post as proxy).
- (3) A person making such an application (“the applicant”) must include in the application the applicant's signature and date of birth.
- (4) The registration officer must not grant any such application which does not include those details.
- (5) However, the registration officer may, in relation to any such application, dispense with the requirement under subsection (3) to include the applicant's signature if the officer is satisfied that the applicant is unable—
  - (a) to provide a signature because—
    - (i) of any disability the applicant has, or
    - (ii) the applicant is unable to read or write, or

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*Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Cross Heading: Personal identifiers. (See end of Document for details)*

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- (b) to sign in a consistent and distinctive way because of any such disability or inability.
- (6) The registration officer must keep a record in relation to persons granted applications to which this section applies showing—
  - (a) their dates of birth, and
  - (b) except in cases where the officer has, under subsection (5), dispensed with the requirement for a signature, their signatures.
- (7) The record kept under subsection (6) must be retained by the registration officer for such period as the Scottish Ministers may by regulations prescribe.

## **22 Provision of fresh signatures**

- (1) This section applies to a person—
  - (a) who is included in the record kept under paragraph 3(4) or 7(6) (record of persons granted applications to vote by post or proxy or by post as proxy for definite or indefinite period) of Schedule 4 to the 2000 Act, and
  - (b) whose signature is shown on the record kept under section 21(6).
- (2) Such a person may, at any time, provide the registration officer with a fresh signature.
- (3) The Scottish Ministers may by regulations make provision—
  - (a) enabling the registration officer, in such circumstances as may be prescribed in the regulations, to require any person to whom this section applies to provide a fresh signature,
  - (b) as to the consequences of such a person refusing or failing, in such circumstances as may be so prescribed, to comply with such a requirement.
- (4) Where a person provides a fresh signature by virtue of this section, the registration officer must amend the record kept under section 21(6) in relation to that person so as to replace the existing signature with the fresh signature.

## **23 Disclosure of personal identifiers**

- (1) The registration officer must either—
  - (a) provide the returning officer for a local government election in Scotland with a copy of any information contained in records kept by the officer under section 21(6) in relation to any electors at the election, or
  - (b) give the returning officer access to such information.
- (2) A registration officer may disclose information contained in records kept by the officer under section 21(6) to—
  - (a) any other registration officer if the officer disclosing it thinks that to do so will assist the other officer in the performance of the other officer's duties,
  - (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Representation of the People Acts or any other enactment relating to the conduct of elections, or
  - (c) such other persons, and for such purposes, as the Scottish Ministers may by regulations prescribe.

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## **24 Power to require existing absent voters to provide personal identifiers**

- (1) The Scottish Ministers may by regulations make provision—
  - (a) enabling the registration officer, in such circumstances as may be prescribed in the regulations, to require an existing absent voter to provide the officer with the voter's signature and date of birth,
  - (b) as to the consequences of such a voter refusing or failing, in such circumstances as may be so prescribed, to comply with such a requirement.
- (2) The references in subsection (1) to an existing absent voter are references to a person granted, before section 21 came into force, an application to which that section would have applied had it been in force at the time the application was made.
- (3) Subsection (6) of section 21 applies in relation to persons who have complied with a requirement imposed by virtue of subsection (1) of this section as it applies in relation to persons granted applications to which that section applies.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Cross Heading: Personal identifiers.