



# Scottish Independence Referendum (Franchise) Act 2013 (repealed)

2013 asp 13

## *Register of young voters*

### **4 Register of young voters**

- (1) For the purposes of this Act, each registration officer must prepare and maintain, for the officer's area, a register to be known as the register of young voters.
- (2) The register must contain—
  - (a) the names of the persons appearing to the registration officer to be entitled to be registered in the register, and
  - (b) in relation to each person registered in it, the person's—
    - (i) date of birth,
    - (ii) (except where otherwise provided by an applied enactment) qualifying address, and
    - (iii) voter number.
- (3) Subsection (2) is subject to section 9B of the 1983 Act (anonymous registration).
- (4) A person's qualifying address is the address in respect of which the person is entitled to be registered in the register.
- (5) A person's voter number is such number (with or without any letters) as is for the time being allocated by the registration officer to the person for the purposes of the register.

### **5 Those entitled to be registered in the register of young voters**

- (1) A person is entitled to be registered in the register of young voters for any area if, on the relevant date, the person—
  - (a) is not registered in the register of local government electors for the area,
  - (b) meets the requirements (apart from any requirement as to age) for registration in the register of local government electors for the area, and
  - (c) has attained the age of 16, or will attain that age on or before the date on which the poll at an independence referendum is to be held.

*Status: Point in time view as at 08/08/2013.*

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- (2) In the case of a person who has not yet attained the age of 16—
  - (a) the person's entry in the register must state the date on which the person will attain the age of 16, and
  - (b) until that date, the person is not, by virtue of the entry, to be taken to be a voter for the purposes of any independence referendum other than one the date of the poll at which is on or after that date.
- (3) Where a person to whom subsection (2) applies has an anonymous entry in the register, the references in that subsection to the person's entry in the register are to be read as references to the person's entry in the record of anonymous entries.
- (4) In this section, “the relevant date” means—
  - (a) the date on which an application for registration in the register of young voters is made (or the date on which such an application is treated as made by virtue of section 10A(2) of the 1983 Act), or
  - (b) in the case of a person applying for registration in the register of young voters in pursuance of a declaration of local connection or a service declaration, the date on which the declaration was made.

## **6 Application of enactments relating to registration**

- (1) The enactments specified in column 1 of the tables in Parts 2, 3 and 4 of schedule 1 apply in relation to registration in the register of young voters (and to that register) for any area in Scotland as they apply in relation to registration in the register of local government electors (and to that register) for that area, but subject to—
  - (a) the modifications in Part 1 of schedule 1,
  - (b) the modifications (if any) in the corresponding entries in column 2 of the tables, and
  - (c) any other necessary modifications.
- (2) References in this Act to any enactment applied by virtue of this section and schedule 1 are to the enactment as it had effect on the day on which the Bill for this Act was passed by the Parliament.
- (3) Subsection (2) does not apply to an enactment specified in Part 4 of schedule 1.

## **7 Declaration of local connection: additional ground for young people**

- (1) This section applies for the purposes of the application of section 7B of the 1983 Act (notional residence: declaration of local connection) in relation to registration in the register of young voters.
- (2) Section 7B of the 1983 Act also applies to a person who, on the date on which the person makes a declaration under subsection (1) of that section—
  - (a) has not attained the age of 17,
  - (b) does not fall within any of paragraphs (a) to (c) of subsection (2) of that section, and
  - (c) meets either of the requirements specified in subsection (3).
- (3) The requirements are that—
  - (a) the person is, or has been, a child looked after by a local authority, or
  - (b) the person is being kept in secure accommodation.

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- (4) In relation to such a person, “the required address” for the purposes of section 7B of the 1983 Act is any address in Scotland at which the person has previously been resident.
- (5) In subsection (3)—
- (a) the reference to a child looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children), and
  - (b) “secure accommodation” means accommodation provided, for the purpose of restricting the liberty of children, in an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) that—
    - (i) provides residential accommodation for children for the purposes of the Children's Hearings (Scotland) Act 2011, the Children (Scotland) Act 1995 or the Social Work (Scotland) Act 1968, and
    - (ii) is approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010 (regulations in relation to care services).

## **8 Register of young voters: canvass form**

The form to be used for the purposes of the canvass under section 10(1) of the 1983 Act in relation to registration in the register of young voters is set out in schedule 2.

## **9 Register of young voters not to be published**

- (1) A registration officer must not publish, or otherwise disclose to any person, the register of young voters or any entry in the register, except as provided by—
- (a) this section, or
  - (b) an applied enactment.
- (2) The register, or an entry in it, may be disclosed to a person so far as necessary for the purpose of the carrying out by that person of any function in connection with registration in the register.
- (3) The register, or an entry in it, may be disclosed to a person for the purposes of an independence referendum, but only in accordance with provision made by or under the Act of the Scottish Parliament by virtue of which the referendum is to be held.
- (4) The register, or an entry in it, may be disclosed to a person so far as necessary for the purposes of a criminal investigation or criminal proceedings relating to an offence (or alleged or suspected offence) under—
- (a) an applied enactment, or
  - (b) the Act of the Scottish Parliament by virtue of which an independence referendum is held.
- (5) An entry in the register may be disclosed to the person to whom the entry relates.
- (6) In subsection (1), “registration officer” includes—
- (a) any deputy of a registration officer,
  - (b) any person appointed to assist a registration officer in the carrying out of the registration officer's functions, and

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- (c) any person, in the course of the person's employment, assisting a registration officer in the carrying out of those functions.

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