

SCOTTISH INDEPENDENCE REFERENDUM (FRANCHISE) ACT 2013

EXPLANATORY NOTES

BACKGROUND TO THE ACT

Register of Young Voters

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11. [Section 4](#) requires each Electoral Registration Officer (ERO) in Scotland to create and maintain a register for their area, to be known as the register of young voters (“RYV”). Each entry on the RYV must include the individual’s name, date of birth, qualifying address (with limited exceptions) and voter number. Provision is made for voters to register anonymously, in line with arrangements that allow anonymous registration in the local government electoral register in particular circumstances.

Those entitled to be registered in the register of young voters

12. [Section 5](#) defines who is entitled to be registered in the RYV. A person must meet the eligibility criteria that an elector must meet to register in the local government register (apart from the age requirement). These are set out at section 4 of the 1983 Act and are explained at paragraph 9 above.
13. To register in the local government register an individual must (in addition to other eligibility requirements) attain the age of 18 within 12 months of the 1 December following the date of their application to that register. To register in the RYV an individual must not be registered in the local government register, meet the requirements (age apart) to register in that register, and be 16 years old or of an age to attain age 16 by the date of the poll at an independence referendum.

Application of enactments relating to registration

14. [Section 6](#) introduces schedule 1, which applies to the RYV (with modifications where appropriate) the registration arrangements that exist under existing legislation in relation to the local government electoral register.
15. Part 1 of schedule 1 makes some general modifications, such as to provide that any reference to the register of local government electors is to be read as a reference to the RYV. Part 2 applies provisions from the 1983 Act, and Part 3 applies provisions from the Representation of the People (Scotland) Regulations 2001. Part 4 applies any act of sederunt that determines the composition of the Registration Appeal Court. A summary of the effect of the provisions that the Act applies is set out at paragraphs 25 to 65 of these Explanatory Notes.

Declaration of local connection: additional ground for young people

16. [Section 7](#) allows any child who is or has been ‘looked after’ or any child kept in secure accommodation (as defined in subsection (5)(b)) who does not wish to disclose the

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Act 2013 (asp 13) which received Royal Assent on 7 August 2013*

address at which they are resident to register using an address in Scotland at which they have previously resided. They can do this by making a “declaration of local connection” (which is a form available from an ERO). This arrangement is already used in some circumstances for electoral registration under the 1983 Act.

17. A ‘looked after’ child is defined as one who is looked after by a local authority in accordance with section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children). This category of child includes those for whom a local authority is providing accommodation under section 25 of the 1995 Act, those who have been through the Children’s Hearing system and are subject to a compulsory supervision order or interim compulsory supervision order, those subject to an equivalent order made elsewhere in the UK and for whom a Scottish local authority now has responsibility and those in respect of whom a permanence order has been made under section 80 of the Adoption and Children (Scotland) Act 2007 and which still has effect. In these cases a child may be cared for away from their normal place of residence, for example, by foster or kinship carers, prospective adopters, in residential care homes or residential schools.

Canvass form

18. **Section 8** introduces schedule 2, which contains the form to be used in a canvass to ascertain persons entitled to be registered in the RYV. The form will be sent to occupiers of households in Scotland, and its return will be required if there is any young person resident at the address who will be eligible to vote in the referendum. Registration officers will use information from returned forms to make entries on the RYV, though individuals will also be able to apply to register separate from the canvass exercise.

Register of young voters not to be published

19. **Section 9** prohibits EROs and their staff from publishing the RYV, or from disclosing information contained in it, except as necessary to persons who need the information to carry out registration functions, for the purposes of an independence referendum (in accordance with the terms of the legislation providing for such a referendum), or for the purposes of a criminal investigation or criminal proceedings relating to an offence in relation to the referendum. However, section 9(5) enables an individual registered in the RYV to obtain details of their own entry.