

SCOTTISH INDEPENDENCE REFERENDUM ACT 2013

EXPLANATORY NOTES

COMMENTARY

Voting etc.

Schedule 2: Further provision about voting in the referendum

Part 2: Registration

33. **Part 2** of schedule 2 sets out the consequences of being registered to vote and the functions of registration officers.
34. **Paragraph 14** prevents anyone who is registered in the electoral register (or who is on the list of proxies) from not being allowed to vote in the referendum on the grounds that they are ineligible to vote. However, if they are found later to be ineligible to vote, their vote can be rejected and they may be subject to pay a penalty for a voting offence. The effect of this is that the person's entry in the electoral register or on the list of proxies is to be taken as *prima facie* evidence of his or her entitlement to vote.
35. **Paragraph 15** prevents any minor error, such as a spelling error, in the electoral register or any of the other relevant documents used in relation to voting in the referendum from hindering the use of that document.
36. **Paragraph 16** requires registration officers to carry out their functions in accordance with directions given by the Chief Counting Officer, which must in turn be in accordance with this Act and all other legislation which currently applies to registration officers (mostly they are regulated under the Representation of the People Act 1983, particularly as amended by the Representation of the People Act 2000). It also allows a deputy registration officer to carry out a registration officer's duties and in that event the provisions of the Act apply to deputy registration officers. The paragraph also requires councils to provide staff to a registration officer to enable him or her to fulfil their functions under the Act.
37. Under the provisions of paragraph 17, any alteration that is to be made to the electoral register within 5 days of the date of the referendum will have no effect in the referendum. Sub-paragraph (3) applies section 13B(2) to (6) of the Representation of the People Act 1983 to the referendum, the effect of which is that where an alteration is to take effect at least 5 days before the referendum but under the normal rules about alterations the notification would not be issued by that date, the registration officer must issue a notice of the alteration which takes effect on the day on which it is issued. This allows alterations to be made quickly so that counting officers are aware of every person who is entitled to vote.
38. Sub-paragraph (4) applies section 13BB of the Representation of the People Act 1983 to the referendum if the referendum is to be held during a canvass period. Section

*These notes relate to the Scottish Independence Referendum Act
2013 (asp 14) which received Royal Assent on 17 December 2013*

13BB requires registration officers to publish notice of changes to the electoral register resulting from applications made during the canvass period.

39. [Paragraph 18](#) requires electoral registration officers to create a list known as the 'polling list', merging the register of local government electors in their area with the register of young voters in their area. Once the registers are merged, it must not be possible to distinguish between young voters and other voters. The entries should display all of the information contained on the separate registers, except dates of birth. Under sub-paragraphs (5) to (7), electoral registration officers and their staff are prohibited from sharing the polling list with anyone who does not require a copy of the list for the purpose of registration functions in connection with the referendum or otherwise in accordance with the Act, e.g. counting officers and the designated campaign organisations. The list must be securely destroyed one year after the poll, unless the Court of Session or a sheriff principal otherwise direct.
40. [Paragraph 19](#) sets out the days that are not to be counted in working out the cut-off date of 11 days before the referendum by which certain things must be done for a voter to vote. These include weekends, Christmas Eve and Christmas Day, bank holidays in Scotland, and days appointed for public thanksgiving or mourning