

SCOTTISH INDEPENDENCE REFERENDUM ACT 2013

EXPLANATORY NOTES

COMMENTARY

Voting etc.

Schedule 2: Further provision about voting in the referendum

Part 4: Supply of polling lists etc.

77. [Part 4](#) of Schedule 2 deals with the supply of polling lists and related documentation.
78. [Paragraph 48](#) requires registration officers, at the request of the relevant counting officer, to supply to the counting officer the polling list, any notices of alterations to the register of electors, and any record of anonymous entries. Counting officers may request as many copies as they reasonably require for the purposes of the referendum, and the copies must be provided free of charge. Counting officers should also be provided with as many free copies of the postal voters list, list of proxies and proxy postal voters list as they may reasonably require. This includes a duty to supply one copy in data form. Where additional copies of any of the lists mentioned above are requested, printed copies should be issued. Anyone who receives a copy of a list under this paragraph is prohibited from supplying a copy, disclosing or making use of any of the information contained in it which is not also available in the edited copy of the local government register.
79. [Paragraph 49](#) requires registration officers to supply free copies of the polling list and any alterations, the postal voters list, the list of proxies, and the proxy postal voters list to the Electoral Commission (in data form unless a paper copy is requested). The Electoral Commission and their staff are subject to similar restrictions around disclosing the information as registration officers under paragraph 48. The Commission may, however, use the information contained in the register to fulfil their duties in relation to the permissibility of donors, and they may also publish anonymised voter information.
80. [Paragraph 50](#) allows registration officers to supply one copy of edited versions of the lists (with voter numbers and anonymous entries removed) to the designated campaign organisations on their making a request in writing. Unless specified by the designated organisation, the copy will be provided in data form. These copies are to be used only for the purposes of campaigning and complying with the controls on donations and regulated transactions in schedule 4.
81. [Paragraph 51](#) requires registration officers to supply to permitted participants in the campaign, on request, one copy of the full version of the local government register and any alterations, the postal voters list, the list of proxies, and the proxy postal voters list. Permitted participants are subject to similar restrictions as designated organisations, as above, on the purposes for which the lists may be used.

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

82. [Paragraph 52](#) confirms that the duty on a registration officer under this schedule is a duty only to supply the data in the form in which the registration officer holds it.
83. [Paragraph 53](#) is an additional general restriction on the use of registration documents by those other than those for whom they are intended (for the purposes of this paragraph, “registration documents” means the polling list, notices altering that list, record of anonymous entries, postal voters list, list of proxies, or proxy postal voters list, or the edited equivalents of these items as provided for by paragraph 50), stating that any person who receives a copy of such a document must not supply any copies of that document, or disclose or make use of the information contained in it.
84. [Paragraph 54](#) deals with offences in relation to disclosures of registration documents. A person is guilty of an offence if they breach any of the disclosure restrictions under this Part of the schedule, unless they were under direction of a supervisor with whose instructions they complied, or unless they took all reasonable steps to prevent the breach. An offence under this paragraph carries a penalty, on conviction, of a fine.
85. Under paragraph 55, any person who holds a document supplied under paragraph 48(1) or (2), 50(1) or 51(1) must securely destroy the document no later than one year after the referendum, unless the Court of Session or a sheriff principal orders otherwise. A person who fails to do so is guilty of an offence, with a penalty of a fine if convicted.