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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 89**

**The Representation of the People  
(Scotland) Amendment Regulations 2018**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) Amendment Regulations 2018.

(2) This regulation and regulations 2, 8 and 9 come into force on 1st April 2018.

(3) Regulations 3 to 7 and 10 come into force on 1st July 2018.

(4) These Regulations apply to the registration of local government electors in Scotland.

**Amendment of the Representation of the People (Scotland) Regulations 2001**

2. The Representation of the People (Scotland) Regulations 2001(1) are amended in accordance with regulations 3 to 10.

3. In regulation 26(3) (applications for registration)(2)—

(a) after sub-paragraph (b) insert—

“(ba) a statement that persons who are not qualifying Commonwealth citizens, citizens of the Republic of Ireland or relevant citizens of the Union are ineligible to register to vote at local government elections and that, in relation to an applicant’s nationality, registration officers may require the applicant to provide additional information or may carry out checks against Government records;” and

(b) after sub-paragraph (c) insert—

“(ca) a statement that failure to provide an address at which the applicant has ceased to reside within 12 months before the date of the application or any other mandatory information requested on the form, may delay the registration process;”.

4. In regulation 31C (summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration)(3)—

(a) in paragraph (2), at the end of the first line omit “either”;

(b) at the end of paragraph (2)(b) insert “; or”;

(c) after paragraph (2)(b) insert—

“(c) the registration officer has not received the information referred to in paragraph (2)(b)(ii) or (iii) but—

(i) has determined that the elector has died after inspecting records kept by—

(aa) the council by which the registration officer was appointed; or

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(1) [S.I. 2001/497](#).

(2) Regulation 26 was substituted by [S.I. 2013/3206](#) and regulation 26(3) was subsequently amended by section 5(2) of the Scottish Elections (Reduction of Voting Age) Act 2015 ([asp 7](#)), [S.I. 2015/1966](#) and [S.I. 2017/604](#).

(3) Regulation 31C was substituted by [S.I. 2013/3206](#) and subsequently amended by [S.I. 2015/1966](#).

- (bb) a person providing services to, or authorised to exercise any function of, that council;
  - (ii) has received information from the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector, which allows the registration officer to determine that the elector has died;
  - (iii) has received information as a result of the annual canvass required by section 9D of the 1983 Act<sup>(4)</sup>, which allows the registration officer to determine that the elector has died; or
  - (iv) has received information from a person managing a care home where the elector was resident, which allows the registration officer to determine that the elector has died.
- (2A) The information referred to in paragraph (2)(c)(ii) and (iv) may be provided in person, by telephone or in writing and must include—
- (a) the full name and address of the elector who has died;
  - (b) the full name and address of the person providing the information and, in the case of information received under paragraph (2)(c)(ii), that person’s relationship to the elector; and
  - (c) a statement that the person providing the information is aware of the penalty for providing false information to a registration officer.
- (2B) Where the information referred to in paragraph (2)(c)(ii) and (iv) has been provided in person or by telephone by virtue of paragraph (2A), the registration officer must record that information in writing or in data form<sup>5</sup>; and
- (d) for paragraph (3) substitute—
- “(3) In this regulation—
- “care home” means a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010<sup>(5)</sup> and “care home service” has the meaning given to it by paragraph 2 of schedule 12 of that Act;
- “elector” means a person who is duly entered in a register in respect of an address.”.
5. In regulation 31D (procedure for reviewing entitlement to registration)<sup>(6)</sup>—
- (a) after paragraph (4) insert—
- “(4A) A notice specified for the purposes of paragraph (4)(a) must also state that—
- (a) where the subject of the review does not notify the registration officer within 14 days beginning with the date of the notice that the subject requires the review to be heard, the registration officer may determine the review and remove the subject’s entry from the register;
  - (b) the subject of the review would not be entitled to a right of appeal against the registration officer’s determination in the circumstances described in subparagraph (a); and
  - (c) after 14 days beginning with the date of the notice, the subject of the review can contact the registration officer to find out if the registration officer has removed the subject’s entry from the register.”; and
- (b) for paragraph (7) substitute—

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<sup>(4)</sup> Section 9D was inserted by section 4 of the Electoral Registration and Administration Act 2013 (c.6).

<sup>(5)</sup> 2010 asp 8.

<sup>(6)</sup> Regulation 31D was inserted by S.I. 2007/925 and subsequently amended by S.I. 2013/3206 and section 6(2) of the Scottish Elections (Reduction of Voting Age) Act 2015.

“(7) The registration officer may send a notice to the subject of the review which states that—

- (a) the registration officer is not satisfied that the subject of the review is or was entitled to be registered, or that the subject’s entry in the register does not result from or has not been altered as the result of an application made by another person, and the grounds for the registration officer’s opinion;
- (b) if, within 14 days beginning with the date of the notice, the subject of the review does not require the review to be heard, the registration officer may determine the review and remove the subject’s entry from the register;
- (c) the subject of the review would not be entitled to a right of appeal against the registration officer’s determination in the circumstances described in subparagraph (b); and
- (d) after 14 days beginning with the date of the notice, the subject of the review can contact the registration officer to find out if the registration officer has removed the subject’s entry from the register.”.

6. For regulation 31FZA (notification of outcome of reviews)(7) substitute—

**“Notification of outcome of reviews**

**31FZA.**—(1) Where the registration officer is required to send to the subject of the review a notice under regulation 31D(2) and the subject of the review has required the review to be heard or has made representations to the registration officer, the registration officer must notify the subject of the review in writing of its outcome and when doing so—

- (a) state whether there is a right of appeal under section 56(1)(azd) or (aa) of the 1983 Act(8);
- (b) specify the time within which any notice of appeal under that section must be given (in accordance with regulation 32(2)); and
- (c) provide such other information about the appeal that the registration officer considers necessary.

(2) Where the registration officer is required to send to the subject of the review a notice under regulation 31D(2) and the subject of the review has not required that the review be heard, or has not made any representations to the registration officer, the registration officer may notify the subject of the review of its outcome and when doing so state that there is no right of appeal of that decision.”.

7. In regulation 31FA (determinations of entitlement to remain registered during the annual canvass)(9)—

- (a) at the beginning insert “(1)”; and
- (b) after paragraph (1) (so renumbered) insert—

“(2) This regulation does not apply where under regulation 31C(2)(c)(iii) a registration officer has received information as a result of the annual canvass which allows the registration officer to determine that the elector has died.”.

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(7) Regulation 31FZA was inserted by [S.I. 2015/1966](#).

(8) Section 56 applies to Scotland, with modifications, by virtue of section 57 of the 1983 Act. Section 56(1)(azd) and (aa) were inserted by section 13(1) and paragraph 18 of schedule 4 of the Electoral Registration and Administration Act 2013.

(9) Regulation 31FA was inserted by [S.I. 2013/3206](#) and subsequently amended by [S.I. 2015/1966](#).

**8.** In regulation 31I(3) (anonymous registration: evidence consisting of relevant court orders or injunctions)(**10**) after sub-paragraph (q) insert—

- “(r) a domestic violence protection order made under section 28 of the Crime and Security Act 2010(**11**) or section 97 of, and paragraph 5 of Schedule 7 to, the Justice Act (Northern Ireland) 2015(**12**);
- (s) a female genital mutilation protection order made under section 5A of, and paragraphs 1 or 18 of Schedule 2 to, the Female Genital Mutilation Act 2003(**13**).”.

**9.** In regulation 31J (anonymous registration: evidence by attestation)(**14**)—

- (a) in paragraph (4)(a), (b) and (c) for “superintendent” substitute “inspector”;
- (b) after paragraph (4)(k) insert—

- “(l) any registered medical practitioner;
- (m) any registered nurse or midwife;
- (n) any person who manages a refuge.”; and

(c) after paragraph (4) insert—

“(4A) In this regulation “refuge” means accommodation together with a planned programme of therapeutic and practical support for victims of, or those at risk of, domestic abuse or violence.”.

**10.** In regulation 93A(4) (notifying registration officer of change to edited register preference)(**15**), for “must” substitute “may”.

St Andrew’s House,  
Edinburgh  
28th February 2018

*JOE FITZPATRICK*  
Authorised to sign by the Scottish Ministers

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(10) Regulation 311 was inserted by S.I. 2007/925 and subsequently amended by S.I. 2009/725 and S.I. 2013/3206.

(11) 2010 c.17.

(12) 2015 c.9. Section 97 and paragraph 5 of schedule 7 are not yet in force.

(13) 2003 c.31. Section 5A and schedule 2 were inserted by section 73(1) and (2) of the Serious Crime Act 2015 (c.9).

(14) Regulation 31J was inserted by S.I. 2007/925 and subsequently amended by S.I. 2009/725 and S.I. 2013/3206.

(15) Regulation 93A was inserted by S.I. 2013/3206.