

SCHEDULES

SCHEDULE 3

Regulation 48

ACCESS TO MARKED REGISTERS AFTER A PETITION

Interpretation of this Schedule

1.—(1) In this Schedule references to the “marked register or lists” means any part of the marked copies of—

- (a) the register,
- (b) notices issued under section 13BC(6) of the 1983 Act (alteration of registers),
- (c) the postal signers list,
- (d) the list of proxies, and
- (e) the proxy postal signers list,

which were—

- (i) for England and Wales and Northern Ireland, forwarded to the registration officer under regulation 44 (delivery of documents to the registration officer: England and Wales and Northern Ireland), regulation 114 (forwarding of documents) or regulation 141 (public notice of early termination),
- (ii) for Scotland, retained by the petition officer under regulation 47 (retention and disposal of documents in Scotland), regulation 114 or regulation 141.

(2) In this Schedule, a reference to “the registration officer” is a reference to—

- (a) for England and Wales—
 - (i) the registration officer of the local authority in whose area the constituency of the MP to whom the petition relates is situated, or
 - (ii) if the constituency includes any part of the area of more than one local authority, the registration officer of the local authority in whose area the greatest number of electors is registered;
- (b) for Northern Ireland, the Clerk of the Crown for Northern Ireland;
- (c) for Scotland, the petition officer.

(3) In this Schedule—

“processor” means a person who provides a service which consists of putting information into data form, and any reference to a processor includes a reference to the processor’s employees;

“relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act 1998⁽¹⁾;

and any reference to an employee of any person who has access to a copy of the register includes a reference to any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(1) 1998 c. 29.

Supply of marked registers and lists after a petition

2.—(1) Any person or body referred to in subparagraph (2) is entitled to request that the registration officer supply copies of any parts of the marked register or lists in respect of a particular petition which the registration officer is required to keep in respect of that petition.

(2) Those persons or bodies are—

- (a) any police force in England and Wales or Scotland;
- (b) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
- (c) the National Crime Agency;
- (d) any body of constables established under an Act of Parliament;
- (e) the Electoral Commission.

(3) A request under subparagraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) is requested;
- (b) state whether a printed copy is requested or a copy in data form; and
- (c) state the purposes for which the marked register or lists will be used and why those marked registers and lists would be sufficient to achieve those purposes.

(4) The registration officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and the registration officer—

- (a) is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested; and
- (b) has received payment of a fee calculated in accordance with paragraph 6 of this Schedule.

(5) If the registration officer is not satisfied in accordance with subparagraph (4)(a) that officer must inform the requestor of that decision and—

- (a) where the request relates to the marked register or marked copies of notices referred to in paragraph (1), provide the requestor with information concerning the availability of the published register or notices for inspection in accordance with regulation 7 (publication of register); and
- (b) where the request relates to the marked lists, provide information concerning the availability of the unmarked lists in accordance with regulation 80 (records and lists kept under this Part).

(6) A person who obtains a copy of any part of a marked register or list under this paragraph may use it only for the permitted purposes specified in paragraph 5(3) of this Schedule and any conditions specified in that paragraph are to apply.

(7) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this paragraph may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information it contains, or
- (b) procure that a processor processes and supplies to the person any copy of the information in the marked register or lists which the processor has obtained under this paragraph, for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

(8) A processor may not disclose the marked register or lists or the information contained in them except to the person who supplied it to the processor or any other person, or an employee of such a person, who is entitled to obtain a copy of the marked register or lists under this Schedule.

Inspection of documents open to public inspection

3.—(1) Any person is entitled to request that the registration officer make available for inspection a copy of any of the following documents (“the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to a petition as the registration officer is required by or under any enactment to retain for any period except—
 - (i) signing sheets,
 - (ii) completed corresponding number lists,
 - (iii) certificates as to employment during the signing period,
 - (iv) lists required to be completed under regulation 110(4) (lists of rejected postal signing sheets).

(2) A request under subparagraph (1) must be made in writing and must specify—

- (a) which documents are requested;
- (b) the purposes for which the information in any document will be used;
- (c) where the request is to inspect the marked register or lists, details relating to any suspected fraud which the person has reason to believe may have taken place in respect of a petition;
- (d) who will inspect the documents;
- (e) the date on which they wish to inspect the documents; and
- (f) whether they would prefer to inspect the documents in printed or data form.

(3) Subject to subparagraph (4), the registration officer must make the documents open to public inspection available for inspection under supervision not later than 10 working days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under subparagraph (2), the registration officer is only required to make those documents available for inspection if that officer is satisfied that fraud may have taken place in respect of the petition to which the documents relate.

(5) A person who obtains a copy of or information in any document open to public inspection under this paragraph may use it only for the permitted purposes specified in paragraph 5(3) and any conditions specified in that paragraph are to apply.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the registration officer must ensure that the manner in which, and equipment on which, that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic or any other means.

(7) Subject to subparagraph (8), a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand-written notes.

(8) The registration officer must, on request, supply free of charge copies of any documents open to public inspection—

- (a) to the Security Service, the Government Communications Headquarters, or the Secret Intelligence Service; or

- (b) to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom paragraph 2(2)(a) to (d) applies.

Restrictions on use, supply and disclosure of documents by the registration officer, Chief Electoral Officer for Northern Ireland and staff

- 4.—(1) This paragraph applies to—
- (a) the registration officer;
 - (b) any deputy registration officer; and
 - (c) any person appointed to assist the registration officer or who in the course of that person’s employment is assigned to assist the registration officer.
- (2) A person to whom this paragraph applies must not—
- (a) supply to any person a copy of the documents open to public inspection,
 - (b) disclose information contained in those documents (and not contained in the edited register), or
 - (c) make use of any such information,

otherwise than in accordance with an enactment, including these Regulations.

(3) Nothing in subparagraph (2) applies to the supply or disclosure by a person (“P”) to whom this paragraph applies to another such person in connection with P’s registration duties or for the purposes of a petition.

Other restrictions on use of documents or information contained in them

5.—(1) This paragraph applies to any person who has obtained access to a copy of the documents open to public inspection or information contained in them by any means.

- (2) No person to whom this paragraph applies may—
- (a) supply a copy of the documents open to public inspection or any part of those documents,
 - (b) disclose any information contained in those documents (that is not contained in the edited register), or
 - (c) make use of any such information,

other than for a permitted purpose specified in subparagraph (3).

- (3) The permitted purposes are—
- (a) where a copy of any information was supplied to a person or body referred to in the circumstances to which paragraph 3(8) applies—
 - (i) the prevention and detection of crime and the enforcement of the criminal law (whether in England and Wales or elsewhere), or
 - (ii) the vetting of a relevant person (within the meaning of regulation 109(5) of the 2001 Regulations and regulation 108(5) of the 2001 (Scotland) Regulations for the purpose of safeguarding national security;
 - (b) where a copy of any information was supplied to the Electoral Commission, the purposes in connection with their functions under, or by virtue of, PPERA 2000;
 - (c) in any other case, the purposes of a petition.

Calculating the fee for supply of marked registers or lists

6.—(1) The fee to be paid in accordance with paragraph 2(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in subparagraph (2).

(2) The fee is to be the sum of £10, plus for a copy—

(a) in printed form, £2 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request; and

(b) in data form, £1 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request.

(3) For the purposes of this paragraph, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.