
STATUTORY INSTRUMENTS

2007 No. 925

**The Representation of the People
(Scotland) (Amendment) Regulations 2007**

PART 2

Registration

Procedure for other determinations by registration officer of entitlement to registration

11. After regulation 31A insert—

“Other determinations by registration officer of entitlement to registration

31B.—(1) A registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 31C to 31F.

(2) The functions specified in this paragraph are—

(a) determining, under the following provisions, whether a person was entitled to be registered—

(i) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), and 15(2)(aa) of the 1983 Act(1), and

(ii) section 2(2)(aa) of the 1985 Act(2);

(b) determining under section 10A(5)(b) of the 1983 Act(3) whether a person—

(i) was entitled to be registered;

(ii) has ceased to be resident at the address in respect of which he is entered in the register or otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act(4).

Summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration

31C.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 31B(2)(b)(ii) without following the procedure set out in regulations 31D to 31F.

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- (1) 1983 c. 2. Section 7 was substituted, and sections 7A and 7C were inserted by, respectively, sections 4, 5 and 6 of the Representation of the People Act 2000 (c. 2). Section 15(2) was substituted by paragraph 8(2) of Schedule 1 to that Act. Sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa) and 15(2)(aa) were inserted by, respectively, section 12(1), (2), (3) and (7) of the Electoral Administration Act 2006 (c. 22).
- (2) 1985 c. 50; section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c. 2); subsection (2)(aa) was inserted by section 12(9) of the Electoral Administration Act 2006 (c. 22).
- (3) 1983 c. 2; section 10A was substituted together with section 10 for section 10 as originally enacted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2); subsection (5)(b) was substituted by section 12(5)(b) of the Electoral Administration Act 2006 (c. 22).
- (4) 1983 c. 2; section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2).

- (2) The circumstances specified in this paragraph are where the registration officer—
- (a) has received an application under regulation 26(5) which includes a statement to which paragraph (1)(c) of that regulation refers;
 - (b) has received a notice under regulation 37;
 - (c) has been given information by the elector that he has ceased to reside at the address in question or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;
 - (d) has been notified by a relative or executor of the elector or by the Registrar General of Births, Deaths and Marriages for Scotland that the elector has died.
- (3) In paragraph (2)—
- “elector” means a person who is duly entered in a register in respect of an address;
- “relative” means a spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Procedure for reviewing entitlement to registration

31D.—(1) A registration officer may, for the purposes of making a determination of the nature specified in regulation 31B(2), conduct a review in respect of a person entered in the register.

(2) Where the registration officer is not satisfied that the subject of the review is entitled to be registered, he must—

- (a) send to that person such notice, of a kind specified in paragraph (4), as he considers appropriate; and
- (b) enter the review in the list kept in pursuance of regulation 31E.

(3) Paragraph (2)(b) does not apply where the subject of a review has an anonymous entry.

(4) A notice is specified for the purposes of this paragraph if it—

- (a) states that the registration officer is of the opinion that the subject of the review is not entitled to be registered and the grounds for his opinion;
- (b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice or requires him to make a declaration under regulation 24 or both; or
- (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

(5) Where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(a); and
- (b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(6) Paragraph (7) applies where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(b); and
 - (b) that person does not respond to the registration officer's satisfaction, or at all, within the period of 28 days beginning with the date of that notice.
- (7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person is entitled to be registered and the grounds for his opinion.
- (8) Where—
- (a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (7); and
 - (b) the subject of the review does not, within the period of 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(9) In making a determination under paragraph (5) or (8), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

- (10) In this regulation and regulations 31E and 31F—
- “review” must be construed in accordance with paragraph (1);
 - “the subject of the review” means the person in respect of whom the review is conducted.

List of reviews

- 31E.**—(1) The registration officer must keep a list of reviews.
- (2) The list must contain, in relation to each review, the following particulars—
- (a) the full name of the subject of the review;
 - (b) his electoral number;
 - (c) his qualifying address; and
 - (d) the reason for the review.
- (3) The list must be made available for inspection at the registration officer's office.
- (4) This regulation does not apply to any review where the subject of the review has an anonymous entry.

Hearings of reviews

- 31F.**—(1) Where the registration officer determines that a hearing of the review should be conducted, the notice given under regulation 31D(4)(c) must also state the time and place at which he proposes to hear the review.
- (2) Where the subject of the review requires the review to be heard, the registration officer must send to that person a notice stating the time and place at which he proposes to hear the review.
- (3) The time fixed for the hearing must not be earlier than the third day after the date of the notice in which that time is stated.

(4) The persons entitled to appear and be heard are—

(a) the subject of the review;

(b) any other person who appears to the registration officer to be interested.

(5) Paragraphs (2) to (4) of regulation 31 apply to the hearing of a review as they apply to the hearing of an application for registration or objection.

(6) The registration officer may determine that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, despite the failure of that person (or any other person entitled to appear and be heard) to attend.

(7) In making a determination under paragraph (6), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.”.