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STATUTORY INSTRUMENTS

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**2007 No. 925**

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

**PART 2**

**Registration**

**Record of anonymous entries and certificates of anonymous entry**

**18.** After regulation 45, insert—

**“Record of anonymous entries**

**45A.**—(1) The registration officer must keep a record of anonymous entries.

(2) The registration officer must enter in the record each person who is entered in the register with an anonymous entry.

(3) The entry in the record must contain the following particulars—

- (a) the full name of the person to whom the entry relates;
- (b) his electoral number;
- (c) his qualifying address;
- (d) where he has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;
- (e) the date on which the anonymous entry in the register took effect.

(4) Where the application of a person with an anonymous entry to vote by post is granted, the registration officer must also enter in the record the address to which the postal ballot paper should be sent as given in the application (in accordance with regulation 51(2)(d)(1)).

**Duties of registration officer and his staff in relation to record of anonymous entries**

**45B.**—(1) This regulation applies to—

- (a) the registration officer; and
- (b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his registration duties.

(2) Where the registration officer is also the returning officer at any election or counting officer at a referendum (and in consequence has access to the record of anonymous entries without being supplied with a copy of it), this regulation applies to—

- (a) the registration officer acting in that other capacity; and

- (b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his duties in respect of the election or referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the record;
- (b) disclose information contained in it; or
- (c) make use of such information,

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record.

(6) In this regulation and regulation 45C—

“counting officer” means the counting officer at a referendum held by or under any Act of Parliament;

“enactment” has the same meaning as in section 17(2) of the 2000 Act<sup>(2)</sup>.

#### **Supply of record of anonymous entries to returning and counting officers**

**45C.**—(1) Paragraph (2) applies whenever the registration officer supplies a copy of the full register, or any part of it, to a returning officer or counting officer.

(2) The registration officer must supply—

- (a) together with the copy of the register, a copy of the record of anonymous entries;
- (b) together with any part of the register, a copy of the record so far as it relates to that part.

(3) A registration officer may supply a copy of the record to a returning officer or counting officer at any other time.

(4) No person to whom a copy of the record has been supplied under this regulation may—

- (a) supply a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

other than for the purposes of an election or referendum (as the case may be).

(5) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

#### **Supply of record of anonymous entries to the security services**

**45D.**—(1) This regulation applies where the registration officer supplies a copy of the full register to—

- (a) the Security Service;
- (b) the Government Communications Headquarters;
- (c) the Secret Intelligence Service.

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(2) The reference is to the Representation of the People Act 2000 (c. 2).

(2) The registration officer must supply a copy of the record of anonymous entries together with the register.

(3) No person serving as an officer or employee in the organisations mentioned in paragraph (1) may—

- (a) supply to any person a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

otherwise than for purposes connected with the carrying out of any of their statutory functions.

(4) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

### **Supply of the record of anonymous entries to police forces and other organisations**

**45E.**—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to—

- (a) any police force in Great Britain;
- (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland (Reserve);
- (c) the Police Information Technology Organisation;
- (d) any body of constables established under an enactment; or
- (e) the Serious Organised Crime Agency.

(2) Senior officer means—

- (a) in the case of the forces and organisations mentioned in paragraph (1)(a) to (d), an officer of a rank senior to that of superintendent;
- (b) in the case of the Serious Organised Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may—

- (a) supply to any person a copy of the record;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);
- (b) the vetting of a relevant person for the purpose of safeguarding national security.

(5) Relevant person means—

- (a) a constable or officer or prospective constable or officer of the force or organisation;
- (b) an employee of, or applicant for employment by, the force or organisation.

(6) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

### **Certificate of anonymous registration**

**45F.**—(1) Where a registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate of anonymous registration must state—

- (a) the name of the area for which the registration officer acts;
- (b) the name, electoral number and qualifying address of the person who has the anonymous entry;
- (c) the date on which the anonymous entry took effect;
- (d) that unless a fresh application for an anonymous entry is made, the entitlement to remain registered anonymously will terminate no later than at the end of the period of 12 months beginning with the date stated in accordance with sub paragraph (c).

### **Certificate of anonymous registration prescribed for purposes of paragraph 10(2) of Schedule 2A**

**45G.** The evidence prescribed for the purposes of paragraph 10(2) of Schedule 2A to the 1983 Act<sup>(3)</sup> is a certificate of anonymous registration.”.

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(3) 1983 c. 2; Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraph 10(2) of Schedule 2A was inserted by paragraph 16 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).