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STATUTORY INSTRUMENTS

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**2007 No. 925**

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

**PART 9**

**Access to Absent Voter Lists**

**Records and lists kept under Schedule 4 to the Representation of the People Act 2000(1)**

**43.** For regulation 61 substitute—

**“Records and lists kept under Schedule 4**

**61.**—(1) Any person entitled to be supplied in accordance with regulation 102, 104, 105 or 107 with copies of the full register is also a person entitled, subject to this regulation and to regulation 61A, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps—

- (a) the current version of the information which would, in the event of a particular parliamentary election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8) of Schedule 4(2);
  - (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8) of Schedule 4.
- (2) A request under paragraph (1) shall be made in writing and shall specify—
- (a) the information (or the relevant parts of the information) requested;
  - (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
  - (c) whether a printed copy of the records or lists is requested or a copy in data form.
- (3) A person who obtains any information under this regulation may use it only for—
- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998(3); or
  - (b) electoral purposes,

and such use shall be subject to any restrictions specified in regulation 61A or, where the request for information was made by reference to entitlement under regulations 102, 104, 105 or 107, subject to any restrictions which would apply to the use of the full register under whichever of those regulations entitled that person to obtain that information.

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(1) **2000 c. 2.**

(2) Paragraphs 5 and 7 of Schedule 4 to the Representation of the People Act 2000 (c. 2) were amended by paragraphs 22 and 137 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(3) **1998 c. 29.**

(4) The registration officer shall supply a current copy of the information requested under paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer shall supply a final copy of the postal voters list kept under paragraph 5(2) of Schedule 4, as soon as practicable after 5 p.m. on the eleventh day before the day of the poll, in response to a request under paragraph (1) that has been duly made.

(6) As soon as practicable after 5 p.m. on the sixth day before the day of the poll the registration officer shall—

- (a) make a copy of the lists kept under paragraphs 5 and 7(8) of Schedule 4 available for inspection at his office in accordance with paragraphs (10) to (15); and
- (b) at a parliamentary election, if he is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, send to that officer a copy of those lists;
- (c) supply a final copy of the postal voters lists or the list of proxies in response to every request under paragraph (1) that has been duly made.

(7) The registration officer shall supply a final copy of the proxy voters list kept under paragraph 5(3) of Schedule 4, updated to include any additions to that list made in consequence of any applications granted in accordance with regulation 56(3A), as soon as practicable after 5 p.m. on the day of the poll, to every person who received that list in accordance with paragraph (6)(c).

(8) Any person who has obtained or is entitled to obtain a copy of information covered by paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) and the condition in paragraph (4) of regulation 114(4) shall be taken to apply to the supply and processing of information supplied under this regulation as they apply to the supply and processing of the full register under Part 6 of these Regulations.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph (1).

(11) A request under paragraph (10) shall be made in writing and shall specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

(12) The registration officer shall make a copy of the information available for inspection under supervision on the date requested or as soon as practicable thereafter, if the request under paragraph (10) has been duly made.

(13) Where inspection requested under paragraph (10) takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer

shall ensure that the manner in, 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.

(14) A person who inspects a copy of information provided under paragraph (12), 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,

otherwise than by means of hand written notes.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this regulation, imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this regulation—

- (a) a “current” copy of records or lists is a copy of the records or lists as kept by the registration officer at the beginning of the day it is supplied; and
- (b) any period of days shall be calculated in accordance with regulation 56(6) and (7)(5).

(17) The registration officer shall ensure that where he supplies or discloses information covered by paragraph (1)(a) in accordance with this regulation, he does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry; or
- (b) the proxy of a person who has an anonymous entry.”.