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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Representation of the People (Scotland) Regulations 2001 (“the principal Regulations”) in order to implement the Electoral Registration and Administration Act 2013, which amends the Representation of the People Act 1983 (“the 1983 Act”). The Electoral Registration and Administration Act 2013 provides for a new system of individual electoral registration in Great Britain and makes various electoral administrative changes relating mainly to absent voters and the timetable for issuing forms to voters.

Regulations 10 and 11 amend and expand regulation 26 of the principal Regulations to deal with applications for registration under the new system and insert new regulation 26A into the principal Regulations. The amended regulation 26 prescribes the form and content of applications under sections 10ZC or 10ZD of the 1983 Act, in particular requiring the applicant to provide their date of birth and national insurance number as evidence that they are the person named in the application. Regulation 26(3) confers the function of designing the paper application form on the Electoral Commission and prescribes the information which must be included in it. Regulation 26(9) allows applications to be made online through the Individual Electoral Registration Digital Service. Regulation 26(8) allows an electoral registration officer to accept applications through assisted means, either by telephone or in person.

The new regulation 26A deals with applications for alteration of a name on the register. Regulation 26B makes provision for cases where certain information required by regulation 26 is not available or where a registration officer considers that additional evidence is necessary to verify the identity of a person. The registration officer may require prescribed alternative or additional documentary evidence that a person is the person named in the application. If the person is unable to provide that evidence, they may instead be required to provide an attestation under regulation 26B(5).

There are special provisions relating to service electors and overseas electors.

Regulation 14 inserts into the principal Regulations new regulations 29ZA and 29ZB on the verification of information provided in an application. Regulation 29ZB deals with the processing of information, including the retention and deletion of information, and provides that an offence will be committed if information is disclosed in breach of the regulation.

Regulation 21 amends regulation 31I of the principal Regulations to include additional orders for the purpose of an application for an anonymous entry in the electoral register.

Regulation 22 inserts new regulations 32ZA to 32ZI into the principal Regulations. Regulation 32ZA provides for the annual canvass, including requirements for the design of the annual canvass form and the manner in which forms must be given. Regulation 32ZB provides for the steps a registration officer must take when no information is received in response to a form. Regulations 32ZC and 32ZD provide for invitations to apply for registration and the steps to be taken by a registration officer to encourage a person to make an application for registration. Regulation 32ZE sets out the conditions under which a registration officer may require a person to apply for registration, including provision for the giving of a notice of the requirement. Regulations 32ZF to 32ZI allow for the imposition of a civil penalty under section 9E(7) of the 1983 Act and give details of the requirements for notice of the penalty, the payment, enforcement and cancellation of the penalty and the review of and appeals against a penalty.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 24 amends the principal Regulations to allow a voter to apply for a proxy voting arrangement after 5 p.m. on the sixth day before the date of the poll (an emergency proxy vote) on grounds relating to occupation, service or employment.

Regulation 25 amends regulation 56 of the principal Regulations to provide that, notwithstanding the deadline otherwise provided for in that regulation, an application to cancel or change an absent vote cannot be made after a postal vote has been returned.

Regulations 26, 27, 29 and 31 make provision about cancellation of postal ballot papers, requiring postal voters to provide fresh signatures to registration officers, requiring registration officers to provide information to returning officers and the time when ballot papers are to be issued. Regulation 28 concerns notification of rejected postal voting statements.

Regulation 30 amends the principal Regulations to amend the time at which a postal voter may apply for a replacement ballot paper.

Regulations 32 to 34 amend the principal Regulations to make provision for a returning officer to check the personal identifiers (date of birth and signature) on every returned postal voting statement against the identifiers held on file.

Regulations 35 to 38 amend the principal Regulations to require a returning officer to keep a list recording the details of every postal voting statement that was rejected and to forward that to the relevant registration officers.

Regulations 39 to 42 make provision in relation to the edited register. Regulation 47 introduces Schedule 3 and prescribes a long version and a short version of a form of words which registration officers must use to describe the electoral registers and the purposes for which they are used.

Regulations 44 to 45 amend the principal Regulations so as to require registration officers to provide the Electoral Commission on request one copy of any revised version of the register and make consequential amendments.

An overall impact assessment in relation to the individual electoral registration scheme is available on the Cabinet Office website at <http://www.cabinetoffice.gov.uk/sites/default/files/resources/IER-Impact>.