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STATUTORY INSTRUMENTS

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**2019 No. 1451**

**The Representation of the People (Annual  
Canvass) (Amendment) Regulations 2019**

**Amendments to the Representation of the People (Scotland) Regulations 2001**

**18.** After regulation 32ZB insert—

**“Annual canvass**

**32ZBA.**—(1) Before conducting the annual canvass required by section 9D(1) of the 1983 Act, each registration officer must comply with paragraph (1) of regulation 32ZBB in respect of a register of parliamentary electors.

(2) Each registration officer must conduct the annual canvass in respect of a residential address in the area for which they are responsible in accordance with regulation 32ZBD, for the purposes of a register of parliamentary electors.

(3) The obligation in paragraph (2) does not apply in a case described in paragraph (4) or (5) (but see paragraph (6)).

(4) The first case is where—

(a) having taken into account the information described in paragraph (7), the registration officer—

(i) is satisfied that it is not necessary to remove a person registered at the address from a register of parliamentary electors; and

(ii) has no reason to believe that any addition may be required to such a register in respect of the address; and

(b) having proceeded to conduct the annual canvass in accordance with regulation 32ZBE—

(i) the registration officer remains satisfied as to the matters in subparagraph (a); or

(ii) in circumstances where the registration officer has reason to believe that—

(aa) it may be necessary to remove a person registered at that address from a register of parliamentary electors; or

(bb) a person who resides at the address may be entitled to be added to such a register,

the registration officer is aware of that person’s name.

(5) The second case is where—

(a) the address is in respect of a property to which regulation 32ZBF(2) applies;

(b) the registration officer has—

(i) identified a responsible person in respect of that property within the meaning of regulation 32ZBF(8); and

- (ii) attempted to make contact with the responsible person in accordance with regulation 32ZBF(5); and
  - (c) the responsible person has, within a reasonable time of the registration officer making that attempt, communicated the information described in regulation 32ZBF(5)(a) to (c) to the officer.
- (6) Where any of the information described in paragraph (7) or taken into account in accordance with paragraph (8) indicates that only persons under the age of 18 are registered at an address in respect of a register of parliamentary electors, the registration officer must conduct the annual canvass in respect of that address in accordance with regulation 32ZBD.
- (7) The information in this paragraph is—
- (a) the results of the data comparison described in regulation 32ZBB, where disclosed to the registration officer by the Minister for the Cabinet Office in accordance with paragraph (6) of that regulation; and
  - (b) any information which the registration officer may hold following the determination of an application under section 10ZC(1) or 10ZD(1) of the 1983 Act in respect of a person—
    - (i) whose name has not yet been published in a notice of alteration under section 13A(2) of that Act; or
    - (ii) excluded from the data comparison described in regulation 32ZBB by virtue of paragraph (7) of that regulation.
- (8) In determining whether either of the cases described in paragraphs (4) or (5) is made out, the registration officer may take into account any other information which the officer may hold in writing or in data form for the purposes of the officer's registration duties in respect of a register of parliamentary electors, or any information which that officer may inspect for those purposes.

#### **Annual canvass data matching**

**32ZBB.**—(1) Subject to paragraphs (7) and (8), each registration officer must disclose to the Minister for the Cabinet Office the matching data in respect of each person aged 16 or over who is registered in a register of parliamentary electors maintained by that registration officer.

(2) The matching data must be disclosed in such format and through such an infrastructure system as the Minister for the Cabinet Office may have notified to the registration officer in writing.

(3) Following receipt of the matching data from the registration officer, the Minister for the Cabinet Office may disclose that data to the Secretary of State.

(4) Where matching data has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against information appearing in the following types of database kept by the Secretary of State—

- (a) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities (Northern Ireland)); and
- (b) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty's Revenue and Customs).

(5) The Secretary of State may disclose the results of the data comparison to the Minister for the Cabinet Office.

(6) On receipt of such results, the Minister for the Cabinet Office may disclose them to the registration officer in whose register the person concerned is registered.

(7) Where—

- (a) a registration officer has successfully determined a person's application under section 10ZC(1) or 10ZD(1) of the 1983 Act at any time during the 90 day period ending with the day before the day on which the registration officer proposes to commence disclosure of matching data in accordance with paragraph (1); and
- (b) that person's entry on the register has been published in a notice of alteration under section 13A(2) of the 1983 Act,

the registration officer may disclose matching data for that person to the Minister for the Cabinet Office but is not required to do so.

(8) Where a person falls within the scope of section 9D(6) of the 1983 Act the registration officer must not disclose that person's matching data under paragraph (1).

(9) In this regulation—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003<sup>(1)</sup>;

“matching data” means—

- (a) a person's full name;
- (b) where held by the registration officer, a person's date of birth;
- (c) the address, including postcode, of the property at which a person is registered;
- (d) where held by the registration officer, the unique property reference number of the property at which a person is registered; and
- (e) any other information held by the registration officer which relates to a person's entry on the register and which the Minister for the Cabinet Office may have specified in writing;

“the Secretary of State” means the Secretary of State for the Department for Work and Pensions.

### **Processing of information in connection with annual canvass data matching**

**32ZBC.**—(1) Information disclosed under regulation 32ZBB may not be disclosed to any other person, except—

- (a) so that it may be taken into account by a registration officer for the purposes of determining whether the annual canvass may be conducted otherwise than in accordance with regulation 32ZBD in respect of a register of parliamentary electors;
- (b) for the purpose of any civil or criminal proceedings.

(2) A person who discloses information in breach of paragraph (1) is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or both.

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(1) 2003 c. 21. Schedule 3A was inserted by section 4 of the Digital Economy Act 2017.

(3) Any person who processes information under regulation 32ZBB must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office, including requirements as to the transfer, storage, destruction and security of that information.

(4) Where a registration officer processes the results of the data matching for the purposes of determining whether the officer may conduct the annual canvass required by section 9D(1) of the 1983 Act otherwise than in accordance with regulation 32ZBD, the officer must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office in relation to the register of parliamentary electors.

(5) Where the Minister for the Cabinet Office imposes requirements as to processing under paragraph (3) or (4), such requirements must be imposed before a registration officer is required to disclose that information under regulation 32ZBB.

**Annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received**

**32ZBD.**—(1) A registration officer must attempt to make contact with a person who is, or may be eligible to be, registered, in a register of parliamentary electors, at a residential address in the area for which the officer is responsible by—

- (a) sending a paper communication to the address, or
- (b) visiting the address in order to obtain the information required by the canvass form.

(2) If no information in response is received within a reasonable time following an attempt to make contact with a person under paragraph (1), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(3) If no information in response is received within a reasonable time following an attempt to make contact with at least one person under paragraph (2), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(4) Subject to paragraphs (6) to (9) a registration officer may comply with the requirements in paragraphs (2) and (3) by any of the following means—

- (a) by sending a paper communication to the address;
- (b) where the registration officer holds a telephone number for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;
- (c) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by sending a communication by electronic means to each of those persons; or
- (d) by visiting the address.

(5) Where a registration officer has complied with the requirements in paragraphs (1) and (2) but has not done so in either case by sending the canvass form to the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending that form to the address.

(6) Where a registration officer has complied with the requirement in paragraph (2) other than by sending a paper communication to the address or by visiting the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending a paper communication to the address or visiting the address but, where paragraph (5) applies, the registration officer must instead do so by sending the canvass form to that address.

(7) Where no information has been received in response to an attempt to make contact with a person under paragraph (3), and a registration officer has not already made an attempt to contact a person at that address by means of a telephone call or calls under paragraph (4) (b) or by visiting the address, the officer must make an attempt by one or other of these means in order to obtain the information required by the canvass form.

(8) A registration officer complies with the requirements in paragraphs (2), (3) or (7) by means of a telephone call or calls under paragraph (4)(b) without having to make a telephone call to each of the persons to whom that sub-paragraph relates, where—

- (a) one of those persons to whom that sub-paragraph relates has provided the information required by the canvass form; or
- (b) an identical telephone number is held in respect of all persons to whom that sub-paragraph relates.

(9) Where a registration officer complies with the requirements in paragraphs (1), (2) or (3) by sending a canvass form—

- (a) before sending the form the registration officer must if practicable print on the form—
  - (i) any information required by the canvass form which the officer already holds in respect of each person who is registered at the address in a register of parliamentary electors, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and
  - (ii) the full name and nationality of each person whose application to be registered at the address in a register of parliamentary electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and
- (b) the form must be accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid.

(10) In this regulation—

“canvass form” means the canvass form designed by the Electoral Commission under regulation 32ZBG(1)(a)(ii);

“paper communication” means—

- (a) the canvass form, or
- (b) the canvass communication B designed by the Electoral Commission under regulation 32ZBG(1)(a)(iii).

**Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required**

**32ZBE.**—(1) Paragraph (2) applies where, having taken into account the information described in regulation 32ZBA(7), a registration officer—

- (a) is satisfied that it is not necessary to remove a person registered at a residential address in the area for which they are responsible from a register of parliamentary electors; and
- (b) has no reason to believe that any addition may be required to a register of parliamentary electors in respect of the address.

(2) The registration officer may proceed to conduct the annual canvass for a register of parliamentary electors by complying with the requirements of paragraphs (3) to (6) (but see paragraph (7)).

(3) A registration officer must send either of the following—

- (a) a canvass communication A to the address; or
- (b) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors, a communication by electronic means to each of those persons.

(4) Any communication sent under paragraph (3)(b) must require the recipient to—

- (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of parliamentary electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate; and
- (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 16 or over who is residing at the address and who is eligible to be registered in a register of parliamentary electors.

(5) In circumstances where a registration officer—

- (a) does not hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors; or
- (b) has sent a communication by electronic means under paragraph (3)(b) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.

(6) The registration officer must, before sending a canvass communication A, print on the communication the full name and nationality of each person—

- (a) who is registered at the address in a register of parliamentary electors, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; or
- (b) whose application to be registered at the address in a register of parliamentary electors under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act.

(7) If, after complying with the requirements of paragraphs (3) to (6), a registration officer has reason to believe—

- (a) that it may be necessary to remove a person registered at that address from a register of parliamentary electors; or
- (b) that a person who resides at the address may be entitled to be registered in a register of parliamentary electors,

but is not aware of that person's name, the officer must conduct the annual canvass in accordance with regulation 32ZBD in respect of the address.

(8) In this regulation, “canvass communication A” means a document in the form designed by the Electoral Commission under regulation 32ZBG(1)(a)(i).

### **Annual canvass in respect of particular types of property**

**32ZBF.**—(1) Paragraph (4) applies where a registration officer has identified a responsible person in respect of a property to which paragraph (2) applies in the area for which the officer is responsible.

(2) Subject to paragraph (3), this paragraph applies to—

- (a) a property at which is situated a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010(2), where “care home service” has the meaning given by paragraph 2 of Schedule 12 to that Act;
- (b) a house in multiple occupation within the meaning of section 125 of the Housing (Scotland) Act 2006(3);
- (c) a building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education;
- (d) a property—
  - (i) at which persons reside who together do not form a single household; or
  - (ii) in respect of which a registration officer has made an attempt to deliver a document in the previous 18 months but has been unable to do so, and in respect of which a registration officer reasonably believes that conducting the annual canvass in accordance with this regulation is more likely to fulfil its purpose under section 9D(2) of the 1983 Act than if conducted in accordance with any other part of these Regulations.

(3) Paragraph (2)(d) does not apply to a building containing two or more flats which are occupied or intended to be occupied wholly or mainly for residential purposes.

(4) The registration officer may proceed to conduct the annual canvass for that property in respect of a register of parliamentary electors by complying with paragraph (5) (but see paragraph (7)).

(5) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 16 or over who is residing at that property and is eligible to be registered in a register of parliamentary electors—

- (a) full name;
- (b) nationality.

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(2) 2010 asp 8.

(3) 2006 asp 1. Section 125 was amended by section 13 of the Private Rented Housing (Scotland) Act 2011 (asp 14).

(6) A registration officer may comply with paragraph (5) by any means the registration officer thinks appropriate, including—

- (a) by sending a paper communication;
- (b) by visiting the property;
- (c) by telephone;
- (d) by electronic means.

(7) If, after complying with the requirements of paragraph (5), the registration officer does not receive the information requested within a reasonable time of having made the attempt to contact the responsible person the registration officer must conduct the annual canvass in respect of that property in accordance with regulation 32ZBD.

(8) For the purposes of this regulation “responsible person” means any person who lawfully holds or has access to, and may lawfully disclose to the registration officer, any of the information in paragraph (5) in relation to the residents of a property to which paragraph (2) applies.

### **Electoral Commission requirements**

**32ZBG.**—(1) The Electoral Commission must—

- (a) design the following—
  - (i) a paper canvass communication A;
  - (ii) a paper canvass form;
  - (iii) a paper canvass communication B;
- (b) obtain the approval of the Minister for the Cabinet Office to the communications and the form; and
- (c) make the designs available to registration officers.

(2) Before giving the approval referred to in paragraph (1)(b) the Minister for the Cabinet Office must consult the Scottish Ministers.

(3) The canvass communication A referred to in paragraph (1)(a)(i) must—

- (a) include a space for the full name and nationality of each person who is registered in a register of parliamentary electors at the address to which the communication relates;
- (b) include a space for the full name and nationality of each person whose application for registration at the address in a register of parliamentary electors under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant’s name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent;
- (c) where a person’s personal data has been processed under regulation 32ZBB prior to the registration officer sending the communication, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the communication will be processed in accordance with such requirements;
- (d) require the occupier or, if there is no occupier, or it is not reasonably practicable for the occupier to provide the required information, the person in charge of the premises—



- (i) to notify the registration officer responsible for the area in which the address is situated if any of the information provided in the communication is incomplete or inaccurate; and
  - (ii) to provide the registration officer with the full name and nationality of each person aged 16 or over who is eligible to be registered in a register of parliamentary electors, and is residing at the address to which the communication relates, where that information is not included in the communication;
- (e) set out the manner in which the responses referred to in subparagraph (d) may be provided, and—
  - (i) require a named person at the address to which the communication relates to make a declaration that the information contained in such responses is true; and
  - (ii) require an indication, if the person making the declaration is not resident at the address, of the capacity in which they are making it.
- (4) The canvass form referred to in paragraph (1)(a)(ii) must—
  - (a) require the recipient to provide the full name and nationality of each person aged 16 or over who is eligible to be registered in a register of parliamentary electors and is residing at the address to which the form is delivered;
  - (b) include a space for the full name and nationality of each person whose application for registration at the address in a register of parliamentary electors under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the canvass form will be sent;
  - (c) where a person's personal data has been processed prior to the registration officer sending the form, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the form will be processed in accordance with such requirements;
  - (d) include space for the email address and telephone number or numbers of each person residing at the address who is entitled to be registered in a register of parliamentary electors, together with an explanation that provision of this information is not mandatory;
  - (e) include a declaration that the information provided is true, to be made by a named person at the address to which the form is given and include an indication, if the person who is making the declaration is not resident at the address, of the capacity in which they are making it.”.