
STATUTORY INSTRUMENTS

2023 No. 1406

The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023

PART 2

Overseas electors

CHAPTER 2

Amendment of the Representation of the People (Scotland) Regulations 2001

Amendment of Part 4 (absent voters)

11.—(1) Part 4 (absent voters) is amended as follows.

(2) In regulation 56C (power to request additional evidence in relation to relevant absent vote applications where registration officer considers it necessary)—

(a) after paragraph (5) insert—

“(5A) If an applicant who is, or has applied to be, registered other than in pursuance of an overseas elector’s declaration is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application,
- (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer,
- (c) be in writing and signed by a person—
 - (i) whom the registration officer is satisfied is of good standing in the community,
 - (ii) who is registered as an elector in a local authority area in Scotland,
 - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant, and
 - (iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
 - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or
 - (bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued),
- (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation, and

- (e) state the date on which it is made.”;
- (b) in paragraph (6)—
 - (i) in the opening words, after “an applicant” insert “who is registered, or has applied to be registered, in pursuance of an overseas elector’s declaration”;
 - (ii) in sub-paragraph (d)(i), after “British” insert “or Irish”;
- (c) in paragraph (8)-
 - (i) in the opening words, for “paragraph (7)(e)” substitute “paragraphs (5A)(c)(iv) and (7)(e)”;
 - (ii) in sub-paragraph (a), after “paragraph” insert “(5A) or”;
 - (iii) in sub-paragraphs (b) and (c) after “26B(6)” insert “or (6ZA)”;
 - (iv) in sub-paragraph (c) for “56C(6)”, substitute “56C(5A) or (6)”;
 - (v) in sub-paragraph (e) for “72B(6), substitute “72B(5A) or (6)”.
- (3) In regulation 57 (grant or refusal of applications), after paragraph (2) insert—
 - “(2A) Paragraph (2B) applies where—
 - (a) a registration officer grants an application to vote by proxy made under paragraph 3(2) of Schedule 4 by an elector who is registered in pursuance of an overseas elector’s declaration, and
 - (b) the resulting period for which that elector is entitled to vote by proxy ends after the 1st November on which the elector’s registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act.
 - (2B) Where this paragraph applies, the confirmation under paragraph (2) must include an explanation that a fresh signature will be required from the elector prior to the 1st November described in paragraph (2A)(b), in order for the elector’s entitlement to continue after that date.”.
- (4) In regulation 60A (requirement to provide fresh signatures at five yearly intervals)—
 - (a) in the heading, omit “five yearly”;
 - (b) in paragraph (1), for “The” substitute “Subject to paragraphs (1A) and (1C), the”;
 - (c) after paragraph (1) insert—
 - “(1A) Paragraph (1B) applies instead of paragraph (1) in respect of a person who—
 - (a) is registered in pursuance of an overseas elector’s declaration, and
 - (b) remains entitled to vote by proxy.
 - (1B) Subject to paragraph (1C), the registration officer must, during the signature refresh period, send every person to whom this paragraph applies a notice in writing—
 - (a) requiring the person to provide a fresh signature, and
 - (b) informing the person that, in the event of a failure or refusal to provide a fresh signature before the end of the signature refresh period, the person would cease to be entitled to vote by proxy at the end of that period.
 - (1C) Paragraphs (1) and (1B) do not apply in respect of a person to whom paragraph (1A) applies whose current signature on the personal identifiers record was added to that record during the signature refresh period.
 - (1D) In paragraphs (1B) and (1C), the “signature refresh period” means the period—
 - (a) beginning with the 1st July immediately before the date in sub-paragraph (b), and

- (b) ending with the 1st November on which the person's registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act.”;
- (d) in paragraph (2), for “The notice” substitute “A notice under paragraph (1) or (1B) (“the notice”)”;
- (e) in paragraph (5) omit “in accordance with paragraph (1) or (3)”;
- (f) in paragraphs (6) and (7), omit “in accordance with paragraph (1)”.