STATUTORY INSTRUMENTS

2017 No. 604

REPRESENTATION OF THE PEOPLE, SCOTLAND

The Representation of the People (Scotland) (Amendment) Regulations 2017

Made - - - - 10.56 a.m. on 26th April 2017

Coming into force in accordance with regulation 1

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**1**), the Secretary of State has consulted the Electoral Commission before making these Regulations.

In accordance with section 201(2) of the Representation of the People Act 1983(**2**) ("the 1983 Act"), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes these Regulations in exercise of the powers conferred by sections 9D(3), 9E(2) and (6), 10ZC(3), 10ZD(3), 53(1) and (3) of, and paragraphs 1(2) and (2A), 3ZA, 3C, and 13(2) of Schedule 2 to, the 1983 Act(**3**) and paragraph 7B of Schedule 4 to the Representation of the People Act 2000(**4**).

Citation and commencement

1. These Regulations may be cited as the Representation of the People (Scotland) (Amendment) Regulations 2017 and come into force on the day after the day on which they are made.

(**1**) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.

(**2**) 1983 c. 2. Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) and article 5(b) of S.I. 1991/1728. Section 201(2) applies to regulations made under paragraph 7B of Schedule 4 to the Representation of the People Act 2000 (c. 2) by virtue of paragraph 1(2) of Schedule 4 to that Act.

(**3**) Section 9D was inserted by section 4, and section 9E by section 5, of the Electoral Registration and Administration Act 2013 ("the 2013 Act") (c. 6). Sections 10ZC and 10ZD were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act. Section 53(1) and (3) was amended by paragraphs 1 and 13 of Schedule 1, and Schedule 7, to the Representation of the People Act 2000 ("the 2000 Act") (c. 2) and paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraphs 1(2) of Schedule 2 to the Representation of the People Act 1983 ("the 1983 Act") (c.2) was amended by section 8 of, and paragraphs 1 and 24 of Schedule 1 to, the 2000 Act and by section 12(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act. Paragraph 3C of Schedule 2 to the 1983 Act was amendment by paragraph 20 of Schedule 4 to, the 2013 Act. Paragraph 1(2A) and 3ZA of Schedule 2 to the 1983 Act were inserted by section 2 of the 2013 Act. Paragraph 10B was inserted by section 9 of the 2000 Act.

(**4**) 2000 c. 2. Paragraph 7B was inserted by section 14(4) of the Electoral Administration Act 2006 (c. 22).

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

2. The Representation of the People (Scotland) Regulations 2001(**5**) are amended in accordance with regulations 3 to 12.

3. In regulation 3(3A) (interpretation), omit "32ZC, 32ZD,".

4. In regulation 26 (applications for registration)—

(a) in paragraph (3), after sub-paragraph (ea) insert—

"(eb) space for the applicant to provide information as to whether the applicant is the only person aged 14 or over resident at the address in respect of which the application is made and an explanation that provision of this information is not mandatory;";

(b) in paragraph (4), after sub-paragraph (b) insert—

"(c) not include space for the information mentioned in paragraph (3)(eb).";

(c) for paragraph (5) substitute—

"(5) The paper application form for persons applying to be registered in pursuance of an overseas elector's declaration must—

(a) instead of the information required in paragraph (1)(b), request—

(i) the last address at which the applicant was registered as an elector; and

(ii) the address at which the applicant can be contacted; and

(b) not include space for the information mentioned in paragraph 3(eb).";

(d) after paragraph (5) insert—

"(5A) The paper application form for persons applying to be registered in pursuance of a declaration of local connection must not include space for the information mentioned in paragraph (3)(eb).";

(e) in paragraph (6) for "(3), (4) and (5)" substitute "(3) to (5A)".

5. In regulation 26B(6)(c) (power to request additional evidence)—

(a) in paragraph (ii) for "in the same local authority area as the applicant" substitute "in a local authority area in Scotland";

(b) for paragraph (iv) substitute—

"(iv) who has not already signed attestations under this regulation for two applicants since whichever is later of—

(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);";

(c) in paragraph (7), for "(6)" substitute "(6A)".

6. In regulation 32ZA (annual canvass)—

(a) in paragraph (4), at the beginning, insert "Subject to paragraphs (4A) and (4B),";

(b) after paragraph (4) insert—

(**5**) S.I. 2001/497, relevant amendments were made by 2013/3206, 2015/1966, and by the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7); there are other amendments which are not relevant to this instrument.