STATUTORY INSTRUMENTS

2015 No. 1966

REPRESENTATION OF THE PEOPLE, SCOTLAND

The Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015

Made - - - - 1st December 2015

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 10ZC(3), 10ZD(3) and 53(1) and (3) of, and paragraphs 1A and 3ZA of Schedule 2 to, the Representation of the People Act 1983(**1**) and, having regard to the meaning of "prescribed" in section 202(1), by sections 13A(2), 13AB(2) and 13B(3), (3B) and (3D) of that Act(**2**).

The Secretary of State has consulted the Electoral Commission, the Information Commissioner and such other persons as he considered appropriate in accordance with section 53(5) of that Act(**3**) and (in the case of the Electoral Commission) with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**4**).

In accordance with section 201(2) of the Representation of the People Act 1983(**5**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015 and come into force on the day after the day on which they are made.

(**1**) 1983 c. 2. Sections 10ZC and 10ZD were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the Electoral Registration and Administration Act 2013 ("the 2013 Act") (c. 6). 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 (c. 2) and paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraph 1A of Schedule 2 to the Representation of the People Act 1983 was inserted by paragraphs 1 and 2 of Schedule 2 to the 2013 Act. Paragraph 3ZA was inserted by section 2 of the 2013 Act.

(**2**) Sections 13A and 13B were substituted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000. Section 13A(2) was amended by paragraph 4 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). Section 13AB was inserted by section 16 of the Electoral Registration and Administration Act 2013. Section 13B(3B) and (3D) was inserted by section 11 of the Electoral Administration Act 2006 (c. 22). Section 202 has been amended but the amendments are not relevant to this instrument.

(**3**) Section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013.

(**4**) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.

(**5**) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and article 5(b) of S.I. 1991/1728.

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

2. The Representation of the People (Scotland) Regulations 2001(**6**) are amended in accordance with regulations 3 to 10.

3. In regulation 3(3A) (interpretation), omit "29".

4. In regulation 26 (applications for registration)—

(a) in paragraph (1)(a), omit from "and any previous name" to the end;

(b) after paragraph (3)(e), insert—

"(ea) space for the applicant to provide their most recent previous name (if they have one) and an explanation that provision of this information is not mandatory but may assist the registration officer in verifying the applicant's identity, and that if the information is not provided then additional personal information may be required;".

5. In regulation 29ZA(1) (verification of information provided in an application), for "26(1)(a), (e) and (f) or under regulation 26A(1)(a), 26A(1)(b) and 26A(5)" substitute "26 or 26A".

6.—(1) In regulation 29 (procedure for determining applications for registration and objections without a hearing) for paragraphs (2AA) to (2AE) substitute—

"(2AA) Where an application for registration has been made and that application is successful, the registration officer must give confirmation in writing to the applicant of that fact, before either—

(a) publication of the revised register to which the applicant will be added under section 13(1) of the 1983 Act; or

(b) issue of a notice of alteration under section 13A(2) of that Act specifying that the applicant's name will be added to the register,

whichever is appropriate.

(2AB) Where confirmation is given under paragraph (2AA) in relation to an application for registration made in response to an invitation to register under section 9E(1) of the 1983 Act, the registration officer must give that confirmation either—

(a) by delivering it to the applicant, leaving it at the applicant's address or sending it to the applicant's address by post; or

(b) by electronic means.

(2AC) Where confirmation is given under paragraph (2AA) in relation to an application for registration made other than in response to an invitation to register under section 9E(1) of the 1983 Act—

(a) the registration officer must give confirmation by delivering it to the applicant, by leaving it at their address or by sending it to them by post; and

(b) the confirmation must give the registration officer's contact details and must request that any person who receives that confirmation inform the registration officer if the applicant is not resident at the address in respect of which the application was made.

(2AD) A confirmation given under paragraph (2AA) must—

(**6**) S.I. 2001/497, amended by S.I.s 2002/1872, 2007/925, 2013/3206 and 2015/450; there are other amendments which are not relevant to this instrument.