Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 and section 42(10) of the Electoral Administration Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No. (S.)

REPRESENTATION OF THE PEOPLE

The Representation of the People (Scotland) (Amendment) Regulations 2007

Made - - - - Date

Coming into force in accordance with regulation 1

These Regulations are made in exercise of the powers conferred by the enactments set out in Schedule 1.

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 7(1), (2)(e) and (2)(g) of the Political Parties, Elections and Referendums Act 2000(**1**) and section 42(9) of the Electoral Administration Act 2006(**2**).

In accordance with section 201(2) of the Representation of the People Act 1983(**3**), a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations:

PART 1

General

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) (Amendment) Regulations 2007 and subject to paragraphs (2) to (4) shall come into force on 1st April 2007.

(**1**) 2000 c. 41.
(**2**) 2006 c. 22.
(**3**) 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 and article 5(b) of S.I. 1991/1728.

(2) The regulations specified in paragraph (3) shall not have effect in relation to any election for which the date of the poll specified in the notice of election issued in relation to that election is on or before 2nd May 2007.

(3) The regulations referred to in paragraph (2) are–

(a) regulations 24 to 29;

(b) regulations 33 to 48; and

(c) regulations 50 to 56.

(4) Regulation 49 shall come into force on the fourteenth day after these Regulations are made.

(5) In the following provisions of these Regulations, unless otherwise stated, any reference to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in the Representation of the People (Scotland) Regulations 2001(**4**).

(6) These Regulations shall extend to Scotland only.

PART 2

Registration

Amendment to interpretation regulation

2. In regulation 3(1)(**5**) after the definition of "candidate" insert–

""certificate of anonymous registration" means a certificate issued in pursuance of regulation 45F(**6**);".

Repeal of offence of giving false information to registration officer

3. In regulation 23 omit paragraph (2)(b) and the ", or" preceding it.

Amendment in relation to evidence as to age and nationality

4. After regulation 24(4) insert–

"(4A) Paragraph (4) does not apply where the declarant has, or has applied for, an anonymous entry.".

Reminders to persons who have an anonymous entry

5. After regulation 25 insert–

"**Reminders to persons who have an anonymous entry**

25A.—(1) This regulation applies to each person who has an anonymous entry.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to a person to whom this regulation applies a reminder that–

(a) his entitlement to registration will terminate at the end of the period of 12 months beginning with the date on which his entry in the register first took effect;

(**4**) S.I. 2001/497, which was amended by S.I. 2001/1749, 2002/1872, 2003/3075, 2004/1771, 2004/1960, 2006/834, 2006/1836 and 2006/3406.
(**5**) There are amendments to regulation 3, but none are relevant.
(**6**) Regulation 45F is inserted by regulation 18 of these Regulations.

(b) if he wishes to remain entered in the register after that period, he must make a fresh application for registration in accordance with the requirements prescribed for the purposes of section 10A(1)(a) of the 1983 Act(**7**);

(c) if he wishes to remain entered in the register anonymously, the application for registration must be accompanied by a fresh application for an anonymous entry.

(3) Paragraph (2) does not apply where the registration officer has already received from that person a fresh application for registration made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) which is accompanied by a fresh application for an anonymous entry.

(4) In this regulation, "the relevant period" must be construed in accordance with regulation 25(3)(a)(**8**).".

Amendments to procedure for applications for registration

6.—(1) Regulation 26(**9**) is amended as follows.

(2) In paragraph (1)(e) after "applicant" insert "whose application is not accompanied by an application for an anonymous entry and".

(3) After paragraph (1)(f) insert–

"(g) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.".

(4) After paragraph (9) insert–

"(10) Paragraphs (6) to (9) do not apply to an application for registration which is accompanied by an application for an anonymous entry.".

Amendments to procedure for making objections to registration

7.—(1) Regulation 27 is amended as follows.

(2) In paragraph (1)(b) at the beginning insert "in the case of an objection made before that person is entered in the register,".

(3) After paragraph (1)(b) insert–

"(ba) in the case of an objection made after that person is entered in the register, the electoral number and qualifying address of that person contained in the register;".

Applications for registration accompanied by applications for anonymous entry not available for public inspection

8.—(1) Regulation 28 is amended as follows.

(2) The existing text of regulation 28 becomes paragraph (1).

(3) After paragraph (1) insert–

"(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.".

(**7**) 1983 c. 2; section 10A was substituted together with section 10 for section 10 as originally enacted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2).
(**8**) Regulation 25(3)(a) was inserted by S.I. 2006/3406.
(**9**) Relevant amending instruments are S.I. 2002/1872, 2006/834 and 2006/1836.

Amendments to procedure for determining applications for registration and objections without a hearing

9.—(1) Regulation 29 is amended as follows.

(2) In paragraph (1) for "and 31" substitute "to 31A".

(3) For paragraph (2) substitute–

"(2) The registration officer must keep separate lists of–

(a) applications for registration, other than applications accompanied by an application for an anonymous entry;

(b) objections made before the person against whom the objection is made is entered in the register;

(c) objections made after the person against whom the objection is made is entered in the register.

(2A) On receipt of an application (other than an application accompanied by an application for an anonymous entry) the registration officer must enter the name of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

(2B) On receipt of an objection made before the person against whom the objection is made is entered in the register, the registration officer must enter–

(a) in the list he keeps in pursuance of paragraph (2)(b), the name and qualifying address of the objector together with the particulars referred to in paragraph (2A); and

(b) in the list he keeps in pursuance of paragraph (2)(a), the particulars of the objection.

(2C) On receipt of any other objection, the registration officer must enter the name and qualifying address of the objector together with the particulars referred to in paragraph (2A) in the list he keeps in pursuance of paragraph (2)(c).".

(4) At the beginning of paragraph (4) insert "Subject to paragraph (4A),".

(5) In paragraph (4) for "five days of" substitute "the period of five days beginning with the day following".

(6) After paragraph (4) insert–

"(4A) In the case of an application for registration accompanied by an application for an anonymous entry, the registration officer may allow the former application without a hearing at any time.".

(7) In paragraph (5) omit the words from "or the objection" to "has expired".

(8) After paragraph (5) insert–

"(5A) The registration officer may disallow an objection without a hearing if he is of the opinion that the objection is clearly without merit.

(5B) Where the registration officer disallows an objection under paragraph (5A), he must send to the objector a notice stating that the application has been disallowed on that basis and the grounds for his opinion.

(5C) An objector may require the objection to be heard by giving notice to the registration officer within three days from the date of the notice given under paragraph (5B).

(5D) A notification under paragraph (5C) is not to prevent the application to which the objection relates from being allowed.".

(9) After paragraph (7) insert–

"(8) In this regulation, "qualifying address" includes the address specified in an overseas elector's declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(**10**).".

Objections relating to applications that have been allowed, but before alterations to register have taken effect

10. After regulation 31 insert–

"**Objections relating to applications that have been allowed, but before alterations to register have taken effect**

31A.—(1) This regulation applies where–

(a) an application for registration has been allowed (whether without or following a hearing); and

(b) either–

(i) an objection is later made to that application, or

(ii) an objector whose objection in respect of that application has been disallowed in pursuance of regulation 29(5A) notifies the registration officer, in accordance with regulation 29(5C), that he requires the objection to be heard, and

(c) no alteration to the register has yet taken effect in respect of that application by virtue of section 13(5), 13A(2) or 13B(3) of the 1983 Act(**11**).

(2) Where the registration officer–

(a) is able to determine the objection before the alteration to the register is due to take effect; and

(b) allows the objection,

the application is to be treated as if it had been disallowed.

(3) Where the registration officer is not able to determine the objection before the alteration to the register is due to take effect, the objection is to be treated as if it was made after the person against whom it is made is entered in the register.

(4) Where paragraph (3) applies, the registration officer must transfer the entry relating to the objection from the list he keeps in pursuance of paragraph (2)(b) of regulation 29 to the list he keeps in pursuance of paragraph (2)(c) of that regulation.".

Procedure for other determinations by registration officer of entitlement to registration

11. After regulation 31A insert–

"**Other determinations by registration officer of entitlement to registration**

31B.—(1) A registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 31C to 31F.

(2) The functions specified in this paragraph are–

(a) determining, under the following provisions, whether a person was entitled to be registered–

(**10**) 1985 c. 50; section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c. 2).
(**11**) 1983 c. 2; sections 13, 13A and 13B were substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2); section 13B(2), which relates to the operation of subsection (3) of that section, was substituted by section 11(3) of the Electoral Administration Act 2006 (c. 22).