Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and pargaraph 2(6) of Schedule 1 to the European Parliamentary Elections Act 1978, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No. (S.)

REPRESENTATION OF THE PEOPLE

Representation of the People (Scotland) Regulations 2001

Made - - - -	*2001*
Coming into force - -	*16th February 2001*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by the provisions which are specified in Schedule 1 to these Regulations, and of all other powers enabling him on that behalf, hereby makes the following Regulations:–

PART I

GENERAL, INTERPRETATION AND MISCELLANEOUS

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) Regulations 2001 and shall come into force on 16th February 2001.

(2) These Regulations shall extend to Scotland only.

Revocations

2. The instruments listed in column 1 of Schedule 2 to these Regulations (which have the references listed in column 2) are hereby revoked to the extent indicated in column 3 of that Schedule.

Interpretation

3.—(1) For the purposes of these Regulations, unless the context otherwise requires–

"1983 Act" means the Representation of the People Act 1983(**1**);

(**1**) 1983 c. 2.

"1985 Act" means the Representation of the People Act 1985(**2**);

"2000 Act" means the Representation of the People Act 2000(**3**);

"available for inspection" means available for inspection during ordinary office hours;

"British Council employee" means a person employed by the British Council in a post outside the United Kingdom;

"candidate" means–

(a) in relation to a parliamentary election, a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(b) in relation to a local government election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

"Crown servant" means a person who is employed in a post falling within the class or description set out in regulation 14 below;

"data" has the same meaning as in section 1(1) of the Data Protection Act 1998(**4**);

"European Parliamentary overseas elector" means a peer who has made a European Parliamentary overseas elector's declaration and is registered or is entitled to be registered in pursuance of it;

"European Parliamentary overseas elector's declaration" means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 13 of, and Schedule 4 to, these Regulations;

"list of overseas electors" means the list prepared under regulation 45 below;

"overseas elector" means a person who has made an overseas elector's declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

"register" means the register of electors; and

"registration officer" means the electoral registration officer.

(2) A reference in these Regulations to a numbered rule in the elections rules shall be construed as a reference–

(a) to the rule of that number in the parliamentary elections rules in Schedule 1 to the 1983 Act in the case of a parliamentary election, or

(b) except in the case of Part V of these Regulations, to the corresponding rule in the rules made under section 42 of the 1983 Act in the case of a local government election.

(3) A reference in these Regulations to a form identified by means of a letter shall be construed as a reference to the form so identified in Schedule 3 to these Regulations.

(4) In the application of these Regulations to the registers which are required to be published not later than 15th February 2001 by section 13(1) of the 1983 Act, as enacted, references to the publication of the revised version are to be read as references to the publication of the register.

Forms

4.—(1) The registration officer shall supply free of charge as many forms for use in connection with–

(**2**) 1985 c. 50.
(**3**) 2000 c. 2.
(**4**) 1998 c. 29.

(a) section 10A(1)(a) and (3) of the 1983 Act(**5**), and

(b) applications made under Schedule 4 to the 2000 Act and Part IV of these Regulations,

as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in Schedule 3 to these Regulations or forms substantially to the like effect may be used with such variations as the circumstances may require.

Communication of applications, notices etc.

5. The requirement in these Regulations that any application, notice or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it–

(a) is transmitted by electronic means,

(b) is received in legible form, and

(c) is capable of being used for subsequent reference.

Electronic signatures and related certificates

6.—(1) A requirement in these Regulations for an application, notice or objection to be signed is satisfied (as an alternative to the signature given by hand) where there is–

(a) an electronic signature incorporated into or logically associated with a particular electronic communication, and

(b) the certification by any person of such a signature.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as–

(a) is incorporated into or otherwise logically associated with any electronic communication or both; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that–

(a) the signature,

(b) a means of producing, communicating or verifying the signature, or

(c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Copies of documents

7. Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand written or by other means) of the whole or any part of it.

(**5**) Section 10A was substituted by Schedule 1 to the 2000 Act.

Time

8.—(1) Where the day or last day of the time allowed by these Regulations for the doing of any thing falls on any of the days mentioned in paragraph (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 56(6) below, in computing any period of not more than 7 days for the purposes of these Regulations any of the days mentioned in paragraph (3) below shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday.

(4) In paragraph (3) above "bank holiday" means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**6**) in Scotland.

Official poll card at parliamentary elections

9.—(1) For the purposes of rule 28(3) of the rules in Schedule 1 to the 1983 Act the following forms are hereby prescribed.

(2) The official poll card issued to an elector shall be in Form A.

(3) The official poll card issued to the proxy of an elector shall be in Form B.

Return and declaration of election expenses

10.—(1) For the purpose of section 75(3) of the 1983 Act, the form of the return of election expenses shall be in Form C and the form of the declaration as to election expenses shall be in Form D.

(2) The fee for inspecting a return or declaration (including any accompanying documents) specified in section 89(1) of the 1983 Act (which relates to the return and declarations of election expenses) shall be £5.

(3) The price of a copy of any such return, declaration or document shall be at the rate of 20p for each side of each page.

Interference with notices etc.

11. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Device referred to in rule 29(3A)(b) of parliamentary elections rules

12.—(1) The device referred to in rule 29(3A)(b) of the rules in Schedule 1 to the 1983 Act(**7**) shall be of the description set out in this regulation.

(2) The device shall be such that–

(a) it satisfies the conditions in paragraphs (3) to (7) below;

(b) a ballot paper can–

(i) be inserted into, and removed from, it, or

(ii) be attached to, and detached from, it, and

(c) the ballot paper will remain firmly in place once inserted into, or attached to, the device.

(**6**) 1971 c. 80.
(**7**) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(3) There shall be sufficient space to allow the particulars of each candidate named on the ballot paper to be clearly shown.

(4) There shall be one hole in the device for each of the candidates named on the ballot paper.

(5) Each hole in the device shall be of equal size.

(6) Each hole shall be positioned to frame the space to the right of the particulars of the candidate on which the vote may be marked ("the relevant space").

(7) Each hole shall be sufficiently large to allow a voter to mark a cross in the relevant space on the ballot paper.

Registration of European Parliamentary overseas electors

13.—(1) A peer who, apart from the requirement of registration, is entitled by virtue of section 3 of the 1985 Act(**8**) to vote as an elector at a European Parliamentary election in a particular electoral region is entitled to be registered in a register under section 3 of that Act, prepared and published by a registration officer in accordance with this regulation and the provisions applied by it.

(2) It is the duty of the relevant registration officer appointed under section 8 of the 1983 Act(**9**) to prepare and publish a register under section 3 of the 1985 Act (which under subsection (7) of that section shall so far as practicable be combined with the register of parliamentary and local government electors) in respect of any year for which any peer to whom paragraph (1) above applies is entitled to be registered and to take reasonable steps to obtain information required by him for that purpose.

(3) For the purposes of paragraph (2) above, "the relevant registration officer" is the officer who acts for the area within which is situated the place specified in the declaration in accordance with section 2(4) of the 1985 Act, as applied by this regulation, as having been the address in respect of which the declarant was previously registered or as the case may be, at which he was resident.

(4) The provisions of the 1983 Act and the 1985 Act which are set out in column 1 of Schedule 4 to these Regulations shall, subject to–

(a) any modifications and exceptions specified in relation to those provisions in column 2 of that Schedule, and

(b) paragraph (5) below,

apply for the purposes of the registration of peers who (subject to the requirement of registration) are entitled to vote at a European Parliamentary election as they apply for the purpose of the registration of parliamentary electors.

(5) Unless the context otherwise requires, in the provisions applied by Schedule 4 to these Regulations–

(a) any reference to an overseas elector's declaration shall be construed as a reference to a European Parliamentary overseas elector's declaration;

(b) any reference to a constituency shall be construed as a reference to an electoral region;

(c) any reference to a register of parliamentary electors shall be construed as a reference to a register kept under section 3 of the 1985 Act and any reference to the register of local government electors shall be disregarded; and

(d) any reference to a provision which is also applied by Schedule 4 to these Regulations shall be construed as a reference to such a provision as so applied.

(6) The following provisions, namely–

(a) regulations 3, 5 to 8 and 11 above, and

(**8**) Section 3 was substituted by Schedule 2 to the 2000 Act.
(**9**) Section 8 was amended by Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).