POLICY NOTE

THE REGISTER OF YOUNG VOTERS (ANONYMOUS ENTRIES) (SCOTLAND) ORDER 2013

SSI 2013/xxx

The above instrument will be made in exercise of the powers conferred by section 11 of the Scottish Independence Referendum (Franchise) Act 2013. The instrument is subject to affirmative procedure.

Policy Objectives

The Scottish Independence Referendum (Franchise) Act 2013 applies standard electoral registration options to the Register of Young Voters that is being compiled for the referendum, including provision for anonymous registration where an elector's safety or the safety of a member of their family would be at risk if their name or address were included on an electoral register. This instrument will update the provision that applies to the Register of Young Voters to include recent changes made to the applied legislation in respect of anonymous registration.

The relevant applied provisions are contained in the Representation of the People Act 1983 and the Representation of the People (Scotland) Regulations 2001 (as amended by the Representation of the People (Scotland) (Amendment) Regulations 2007). The Scottish Independence Referendum (Franchise) Act applies these provisions to the Register of Young Voters for the referendum with no significant modifications.

The UK Government has laid draft Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013, which will make various amendments to the provisions for elections in Scotland. In terms of anonymous registration, the effect is to extend the list of orders or interdicts that can be used as evidence of entitlement to register anonymously. This instrument will replicate those changes for the Register of Young Voters.

This instrument also extends the persons who can attest an application for anonymous registration in the Register of Young Voters. This change is in response to specific concerns from stakeholders which emerged during the passage of the Scottish Independence Referendum (Franchise) Act.

Under current legislation, an Electoral Registration Officer can approve an application for anonymous registration accompanied by either:

a) A copy of a relevant Order or injunction, which is made for the protection of the applicant or someone in the same household as the applicant, and is in force on the date of application. The relevant Orders and injunctions are listed in the legislation (and the UK Government's planned changes to the legislation extend and update that list); or
b) An attestation which certifies that the applicant's safety, or the safety of someone in the same household, would be at risk if their name or address were included on the

register. Attestations can only be provided by a 'qualifying officer', which in Scotland mostly means a police officer with the rank of superintendent or above, or a chief social work officer.

Because the voting age for elections under UK legislation is 18, the list of relevant Orders and injunctions, even with the planned extension, might not fully address the specific needs of young people. The other route – attestation – is intended to cover people who ought to be enabled to register anonymously but who may not have evidence in the form of an order or injunction. However, during the Parliamentary passage of the Scottish Independence Referendum (Franchise) Act, some stakeholders commented that the process of attestation could sometimes be seen as difficult to use, due to the requirement for a specific level of seniority of the social worker or police officer. This Order therefore will allow chief social work officers to delegate the responsibility of attesting applications for anonymous registration in the Register of Young Voters. This should ensure that the process of attestation is easier and more accessible for a young voter in a vulnerable situation who should be enabled to register anonymously.

Consultation

The Scottish Government has consulted Electoral Registration Officers and the Association of Directors of Social Work on the practicalities of making changes to the process of attestation. Both of these groups support the proposed changes. The Scottish Government will continue these discussions to ensure that adequate guidance is provided on the new arrangements.

Impact Assessments

An Equality Impact Assessment has already been completed in respect of the Scottish Independence Referendum (Franchise) Act 2013 and is available at: http://www.scotland.gov.uk/Publications/2013/04/3294

The changes this Order makes to the current requirements have been discussed and agreed with relevant stakeholders. No adverse impacts on particular groups are expected as a result of this policy, which facilitates the anonymous registration of young people in vulnerable situations where this is appropriate. No separate Equality Impact Assessment has therefore been prepared for this Order.

Financial Effects

The Deputy First Minister confirms that no BRIA is necessary as the instrument has no significant financial effects on the Scottish Government, local government or on business.

Scottish Government
Strategy & Constitution Directorate
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