POLICY NOTE

The Representation of the People (Electoral Registers Publication Date) (Coronavirus) (Scotland) Regulations 2020

SSI 2020/XXX

The above instrument was made in exercise of the powers conferred by section sections 13(1)(a) and 201(1) and (3) of the Representation of the People Act 1983(a). The instrument is subject to affirmative procedure.

These Regulations allow more time for Electoral Registration Officers to conduct canvass activity by precribing a later date for publication of the revised electoral register. This legislation has been brought forward due to the impact of the Coronavirus outbreak on Electoral Registration Officers and their staff.

Policy Objectives

The Coronavirus outbreak has placed Electoral Registration Officers (EROs) and their staff under great pressure, with some staff being diverted from electoral administration to deliver frontline services to support their communities during this challenging time.

EROs are also implementing a newly reformed canvass process this year, following the commencement of the Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 in April.

The Representation of the People Act 1983 ("ROPA") requires an ERO to conduct an annual canvass of all residential properties in their area, in order to identify everyone who should be on the electoral register. The Act prescribes that, following the annual canvass, a revised electoral register should be published by 1 December.

These regulations prescribe that the date by which revised versions of the local government registers of electors in Scotland must be published by EROs for the year 2020 is 1 February 2021 instead of the existing requirement of 1 December 2020.

The Scottish Ministers consider that postponing the publication date of the revised register will ease the burden on EROs, giving them more time to process and complete their canvass with potentially reduced resources at their disposal.

These regulations relate to the Scottish local government register, which is used for local government elections and Scottish Parliament elections. The UK Government is bringing forward equivalent legislation in respect of the UK parliamentary register.

Consultation

The Scottish Ministers have consulted the Electoral Commission in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**1**). The Commission noted that the change will provide Electoral Registration Officers (EROs) with flexibility as to how they manage the annual canvass in their area, recognising the particular challenges they will face in completing the required processes in the current public health situation. They advised that this change should be managed by EROs so as not to negatively impact on their preparations for the Scottish Parliament elections in 2021.

In its response the Commission also highlighted that the proposed change may have an impact on recipients of the register, in particular political parties and campaigners. Consequently, the Commission will update guidance to EROs to highlight this impact and emphasise the importance of early communication of their plans with parties and campaigners locally, as well as of timely supply of the registers as soon as they are published. The Scottish Ministers have also written to the Scottish Parliament Political Parties Panel to advise them of the proposed change to this year's electoral register publication date.

Informal consultation has also been undertaken with the Scottish Assessors Association and the UK and Welsh Governments.

Impact Assessments

Impact assessments have not been produced for this instrument as no, or no significant, impact on protected characteristics or on the private, voluntary or public sectors is foreseen.

Scottish Government
Constitution and Cabinet Directorate

June 2020

(**1**) 2000 c. 41.