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

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

REPRESENTATION OF THE PEOPLE, SCOTLAND

The Representation of the People (Scotland) (Amendment No. 2) Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(g) (having regard to the meaning of "prescribed" in section 202(1)) and 53(1) and (3) of, and paragraphs 1A, 2A and 4(1) of Schedule 2 to, the Representation of the People Act 1983(**a**).

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

In accordance with section 201(2) of the Representation of the People Act 1983(**d**), 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 2014 and come into force 14 days after the day on which they are made.

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

2. The Representation of the People (Scotland) Regulations 2001(**e**) are amended in accordance with regulations 3 to 7.

3. In regulation 15 (contents of service declaration)—

(**a**) 1983 c.2. Sections 16 and 202 have been amended but the amendments are not relevant to this instrument. 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 was inserted in Schedule 2 by section 2 of and paragraphs 1 and 2 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c.6). Paragraph 2A was inserted by section 5 of the Representation of the People Act 1989 (c.28) and amended by paragraphs 1 and 24 of Schedule 1 to the Representation of the People Act 2000.

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

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

(**d**) 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.

(**e**) S.I. 2001/497, amended by S.I. 2005/2114, 2006/3406, 2007/925 and 2010/882; there are other amendments which are not relevant to this instrument.

(a) in paragraph (3)—

(i) omit "and" at the end of sub-paragraph (a), and

(ii) at the end of sub-paragraph (b) insert—

", and

(c) any staff number, payroll number or other similar identifying number of that servant.";

(b) in paragraph (4), for "state a description of the post of that employee" substitute—

"state—

(a) a description of the post of that employee, and

(b) any staff number, payroll number or other similar identifying number of that employee".

4. For regulation 16 (transmission of service declaration) substitute—

"**Transmission of service declaration**

16. A service declaration—

(a) must be transmitted to the registration officer for the area within which is situated the address specified in the declaration in accordance with section 16(d) of the 1983 Act; and

(b) may be transmitted through the digital service."

5. In regulation 25 (reminders to electors registered pursuant to a declaration)—

(a) after paragraph (3) insert—

"(3A) Subject to paragraph (4) below, the registration officer must send a second reminder not less than 21 nor more than 28 days after the date of the sending of the first reminder.";

(b) in paragraph (4), for "Paragraph (2) above does" substitute "Paragraphs (2) and (3A) above do".

6. In regulation 32 (registration appeals), for paragraph (1) substitute—

"(1) This regulation makes provision in connection with the right of appeal under section 56(1)(a), (aza), (azb), (azc), (azd), (aa) and (ab) of the 1983 Act(**a**)."

7. After regulation 35 (registration officer's right to inspect certain records) insert—

"Disclosure of certain local authorities' records

35A.—(1) The council by which a registration officer was appointed may disclose to that registration officer information contained in records held by that council, for any of the purposes mentioned in paragraph 1A(1) of Schedule 2 to the 1983 Act.

(2) A disclosure under paragraph (1) may be made only in accordance with a written agreement between the council and the registration officer regulating the processing of the information, including its transfer, storage, destruction and security.

(3) Where a council refuses a request by a registration officer to disclose information under paragraph (1) it must give the registration officer written reasons for its refusal."

Name

(**a**) Section 56(1)(a) to (aa) was substituted by paragraphs 1 and 18 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6). Section 56(1)(ab) was inserted by paragraphs 2 and 8 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

Date Scotland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497). Regulations 3 and 4 provide that the declaration made by a Crown servant or British Council employee working abroad, when that person applies to be registered in an electoral register, no longer has to be sent via their employer. However, there is to be an additional requirement to include their staff number in the declaration. A declaration may now be made on-line.

Regulation 5 requires electoral registration officers, where necessary, to send a second reminder to people, such as overseas electors, who are registered by virtue of a declaration, that their declaration is about to expire.

Regulation 6 updates statutory references in the regulation about registration appeals.

Regulation 7 authorises the council which appointed a registration officer to disclose information to that officer for certain registration purposes.

An overall impact assessment in relation to the individual electoral registration scheme is available on the Cabinet Office website at https://www.gov.uk/government/publications/individual-electoral-registration-impact-assessment.

© Crown copyright 2014

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK2014071773 07/2014 19585

http://www.legislation.gov.uk/id/ukdsi/2014/9780111118719

ISBN 978-0-11-111871-9

9 780111 118719