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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

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

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SCHEDULE 1 — Enabling Powers
SCHEDULE 2 — Forms

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(**a**) and section 42(9) of the Electoral Administration Act 2006(**b**).

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

(**a**) 2000 c.41.
(**b**) 2006 c.22.
(**c**) 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.

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.

(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(**a**).

(6) These Regulations shall extend to Scotland only.

PART 2

Registration

Amendment to interpretation regulation

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

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

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.".

(**a**) 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.
(**b**) There are amendments to regulation 3, but none are relevant.
(**c**) Regulation 45F is inserted by regulation 18 of these Regulations.

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;

(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(**a**);

(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)(**b**).".

Amendments to procedure for applications for registration

6.—(1) Regulation 26(**c**) 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).

(**a**) 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).
(**b**) Regulation 25(3)(a) was inserted by S.I. 2006/3406.
(**c**) Relevant amending instruments are S.I. 2002/1872, 2006/834 and 2006/1836.

(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.".

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(**a**).".

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(**b**).

(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–

(i) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), and 15(2)(aa) of the 1983 Act(**c**), and

---

(**a**) 1985 c.50; section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2).

(**b**) 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).

(**c**) 1983 c.2. Section 7 was substituted, and sections 7A and 7C were inserted by, respectively, sections 4, 5 and 6 of the Representation of the People Act 2000 (c.2). Section 15(2) was substituted by paragraph 8(2) of Schedule 1 to that Act.

(ii) section 2(2)(aa) of the 1985 Act(**a**);

(b) determining under section 10A(5)(b) of the 1983 Act(**b**) whether a person–

(i) was entitled to be registered;

(ii) has ceased to be resident at the address in respect of which he is entered in the register or otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act(**c**).

Summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration

31C.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 31B(2)(b)(ii) without following the procedure set out in regulations 31D to 31F.

(2) The circumstances specified in this paragraph are where the registration officer–

(a) has received an application under regulation 26(**d**) which includes a statement to which paragraph (1)(c) of that regulation refers;

(b) has received a notice under regulation 37;

(c) has been given information by the elector that he has ceased to reside at the address in question or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;

(d) has been notified by a relative or executor of the elector or by the Registrar General of Births, Deaths and Marriages for Scotland that the elector has died.

(3) In paragraph (2)–

"elector" means a person who is duly entered in a register in respect of an address;

"relative" means a spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Procedure for reviewing entitlement to registration

31D.—(1) A registration officer may, for the purposes of making a determination of the nature specified in regulation 31B(2), conduct a review in respect of a person entered in the register.

(2) Where the registration officer is not satisfied that the subject of the review is entitled to be registered, he must–

(a) send to that person such notice, of a kind specified in paragraph (4), as he considers appropriate; and

(b) enter the review in the list kept in pursuance of regulation 31E.

(3) Paragraph (2)(b) does not apply where the subject of a review has an anonymous entry.

(4) A notice is specified for the purposes of this paragraph if it–

(a) states that the registration officer is of the opinion that the subject of the review is not entitled to be registered and the grounds for his opinion;

Sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa) and 15(2)(aa) were inserted by, respectively, section 12(1), (2), (3) and (7) of the Electoral Administration Act 2006 (c.22).

(**a**) 1985 c.50; section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2); subsection (2)(aa) was inserted by section 12(9) of the Electoral Administration Act 2006 (c.22).

(**b**) 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); subsection (5)(b) was substituted by section 12(5)(b) of the Electoral Administration Act 2006 (c.22).

(**c**) 1983 c.2; section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c.2).

(**d**) Amended by S.I. 2002/1872; there are other amending instruments but none is relevant.

(b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice or requires him to make a declaration under regulation 24 or both; or

(c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

(5) Where–

(a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(a); and

(b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(6) Paragraph (7) applies where–

(a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(b); and

(b) that person does not respond to the registration officer's satisfaction, or at all, within the period of 28 days beginning with the date of that notice.

(7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person is entitled to be registered and the grounds for his opinion.

(8) Where–

(a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (7); and

(b) the subject of the review does not, within the period of 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(9) In making a determination under paragraph (5) or (8), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

(10) In this regulation and regulations 31E and 31F–

"review" must be construed in accordance with paragraph (1);

"the subject of the review" means the person in respect of whom the review is conducted.

List of reviews

31E.—(1) The registration officer must keep a list of reviews.

(2) The list must contain, in relation to each review, the following particulars–

(a) the full name of the subject of the review;

(b) his electoral number;

(c) his qualifying address; and

(d) the reason for the review.

(3) The list must be made available for inspection at the registration officer's office.

(4) This regulation does not apply to any review where the subject of the review has an anonymous entry.

Hearings of reviews

31F.—(1) Where the registration officer determines that a hearing of the review should be conducted, the notice given under regulation 31D(4)(c) must also state the time and place at which he proposes to hear the review.

(2) Where the subject of the review requires the review to be heard, the registration officer must send to that person a notice stating the time and place at which he proposes to hear the review.

(3) The time fixed for the hearing must not be earlier than the third day after the date of the notice in which that time is stated.

(4) The persons entitled to appear and be heard are–

(a) the subject of the review;

(b) any other person who appears to the registration officer to be interested.

(5) Paragraphs (2) to (4) of regulation 31 apply to the hearing of a review as they apply to the hearing of an application for registration or objection.

(6) The registration officer may determine that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, despite the failure of that person (or any other person entitled to appear and be heard) to attend.

(7) In making a determination under paragraph (6), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.".

Anonymous registration: procedure

12. After regulation 31F insert–

"**Anonymous registration: applications and declarations**

31G.—(1) An application for an anonymous entry must state–

(a) the applicant's full name;

(b) the address given in accordance with regulation 26(1)(b);

(c) the reason for the application; and

(d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by evidence of the nature prescribed in regulation 31I or 31J.

(4) Where the evidence mentioned in paragraph (3) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that–

(a) the particulars given in accordance with paragraph (1) are true;

(b) so far as he is aware, the evidence provided in pursuance of paragraph (3) is genuine; and

(c) where paragraph (4) applies–

(i) the person to whom the evidence relates is a person of the same household of the applicant, and

(ii) so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

Anonymous registration: determination of applications by registration officer

31H.—(1) Paragraph (2) applies where–

(a) the registration officer determines that the applicant for an anonymous entry is entitled to be registered; and

(b) the application for an anonymous entry is made in accordance with regulation 31G(1), (2) and (5).

(2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where he is satisfied–

(a) that the evidence provided in support of the application in pursuance of regulation 31G(3) constitutes evidence of the nature prescribed in regulation 31I or 31J; and

(b) in the case of an application where regulation 31G(4) applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

Anonymous registration: evidence consisting of relevant court orders or injunctions

31I.—(1) Evidence which meets the following conditions is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is–

(a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(**a**);

(b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997(**b**);

(c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997(**c**);

(d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997(**d**);

(e) a non-harassment order made under section 8(5)(b)(ii) of the Protection from Harassment Act 1997;

(f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(**e**);

(g) a non-molestation order made under section 42(2) of the Family Law Act 1996(**f**).

(4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of–

(a) the applicant for an anonymous entry; or

(**a**) 1997 c.40; section 3(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), section 125(4).
(**b**) 1997 c.40; section 3A was inserted by the Serious Organised Crime and Police Act 2005 (c.15), section 125(5).
(**c**) 1997 c.40; section 5 was amended by the Serious Organised Crime and Police Act 2005 (c.15), section 125(6) and the Domestic Violence, Crime and Victims Act 2004 (c.28), section 12(1) to (4), Schedule 10, paragraph 43, Schedule 11.
(**d**) 1997 c.40; section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c.28).
(**e**) 1995 c.46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c.40).
(**f**) 1996 c.27; section 42 was amended by paragraph 36 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c.28) and by paragraph 9 of Schedule 9 to the Civil Partnership Act 2004 (c.33).

(b) another person of the same household as him.

(5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

Anonymous registration: evidence by attestation

31J.—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The attestation must–

(a) certify that the safety of the applicant, or of another named person of the same household as him, would be at risk if the register contained the name of the applicant or his qualifying address;

(b) state the date on which it is made; and

(c) be in writing and signed by a qualifying officer.

(3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.

(4) Qualifying officer means–

(a) the chief officer of police of any police force in England and Wales;

(b) the chief constable of any police force in Scotland;

(c) the Chief Constable of the Police Service of Northern Ireland;

(d) the Director General of the Security Service;

(e) the Director General of the Serious Organised Crime Agency;

(f) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968(**a**);

(g) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970(**b**);

(h) any director of children's services in England within the meaning of section 18 of the Children Act 2004(**c**);

(i) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970(**d**).".

Amendment to registration appeals

13. For regulation 32(1) substitute–

"(1) This regulation makes provision in connection with the right of appeal–

(a) under section 56(1)(a) of the 1983 Act(**e**), from the decision of a registration officer regarding an application for registration;

(b) under section 56(1)(aa) of the 1983 Act(**f**), from the decision of a registration officer made in accordance with regulations 31C to 31F(**g**) that a person was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;

(**a**) 1968 c.49, as substituted by section 45 of the Local Government etc. (Scotland) Act 1994 (c.39).
(**b**) 1970 c.42; inserted by paragraph 2(2)(a) of Schedule 2 to the Children Act 2004 (c.31). See the transitional provision made in regulation 55 of these Regulations.
(**c**) 2004 c.31.
(**d**) As amended by paragraph 2(2)(b) of Schedule 2 to the Children Act 2004 (c.31); the amendment is not yet in force.
(**e**) 1983 c.2; subsection (1)(a) was amended by paragraph 14(1) and (2) of Schedule 1 to the Representation of the People Act 2000 (c.2).
(**f**) 1983 c.2; subsection (1)(aa) was inserted by section 12(8) of the Electoral Administration Act 2006 (c.22).
(**g**) Inserted by regulation 11 of these Regulations.

(c) under section 56(1)(ab) of the 1983 Act(**a**), from a determination of the registration officer under section 9B(2) of the 1983 Act(**b**), made in accordance with regulation 31H.".

Revocation of circumstances prescribed under section 10A(5)(b) of the 1983 Act

14.—(1) Omit regulation 33.

(2) For regulation 34(2)(c) substitute–

"(c) that person was registered at that address otherwise than in pursuance of–

(i) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act, or

(ii) a declaration of local connection, a service declaration or an overseas elector's declaration.".

(3) In regulation 36(2)(b) for "regulation 33(2)(a)(v)" substitute "regulation 31C(2)(d)".

Anonymous entries

15. After regulation 41 insert–

"**Anonymous entries**

41A.—(1) An anonymous entry of a person consists of that person's electoral number with the letter "N" placed against it.

(2) The entry is to be entered in the register–

(a) at the end of the part of the register which relates to the qualifying address of the person entitled to the entry;

(b) beneath the heading of "Other electors" as mentioned in regulation 41(3)(b); and

(c) following the names grouped together beneath that heading in pursuance of that regulation.".

Amendments to references to names

16. In regulations 42, 62 and 110(7)(**c**), wherever it occurs, for "name" substitute "entry".

Information about register: anonymous entries

17.—(1) In regulation 44(1) after "paragraphs (2) to (4)" insert "and (6)".

(2) After regulation 44(5) insert–

"(6) The document referred to in paragraph (1) shall state the total number of electors who have an anonymous entry.".

Record of anonymous entries and certificates of anonymous entry

18. After regulation 45, insert–

"**Record of anonymous entries**

45A.—(1) The registration officer must keep a record of anonymous entries.

(2) The registration officer must enter in the record each person who is entered in the register with an anonymous entry.

(**a**) 1983 c.2; subsection (1)(ab) was inserted by paragraph 8 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
(**b**) 1983 c.2; section 9B was inserted by section 10 of the Electoral Administration Act 2006 (c.22).
(**c**) Regulation 110 was inserted by S.I. 2002/1872 and amended by S.I. 2006/834.

(3) The entry in the record must contain the following particulars–

(a) the full name of the person to whom the entry relates;

(b) his electoral number;

(c) his qualifying address;

(d) where he has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;

(e) the date on which the anonymous entry in the register took effect.

(4) Where the application of a person with an anonymous entry to vote by post is granted, the registration officer must also enter in the record the address to which the postal ballot paper should be sent as given in the application (in accordance with regulation 51(2)(d)(**a**)).

Duties of registration officer and his staff in relation to record of anonymous entries

45B.—(1) This regulation applies to–

(a) the registration officer; and

(b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his registration duties.

(2) Where the registration officer is also the returning officer at any election or counting officer at a referendum (and in consequence has access to the record of anonymous entries without being supplied with a copy of it), this regulation applies to–

(a) the registration officer acting in that other capacity; and

(b) any person appointed to assist that officer or who in the course of his employment is assigned to assist that officer in his duties in respect of the election or referendum in question.

(3) No person to whom this regulation applies may–

(a) supply to any person a copy of the record;

(b) disclose information contained in it; or

(c) make use of such information,

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record.

(6) In this regulation and regulation 45C–

"counting officer" means the counting officer at a referendum held by or under any Act of Parliament;

"enactment" has the same meaning as in section 17(2) of the 2000 Act(**b**).

Supply of record of anonymous entries to returning and counting officers

45C.—(1) Paragraph (2) applies whenever the registration officer supplies a copy of the full register, or any part of it, to a returning officer or counting officer.

(2) The registration officer must supply–

(a) together with the copy of the register, a copy of the record of anonymous entries;

(**a**) Regulation 51(2) was amended by S.I. 2006/834.
(**b**) The reference is to the Representation of the People Act 2000 (c.2).

(b) together with any part of the register, a copy of the record so far as it relates to that part.

(3) A registration officer may supply a copy of the record to a returning officer or counting officer at any other time.

(4) No person to whom a copy of the record has been supplied under this regulation may–

(a) supply a copy of the record;

(b) disclose any information contained in it; or

(c) make use of any such information,

other than for the purposes of an election or referendum (as the case may be).

(5) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Supply of record of anonymous entries to the security services

45D.—(1) This regulation applies where the registration officer supplies a copy of the full register to–

(a) the Security Service;

(b) the Government Communications Headquarters;

(c) the Secret Intelligence Service.

(2) The registration officer must supply a copy of the record of anonymous entries together with the register.

(3) No person serving as an officer or employee in the organisations mentioned in paragraph (1) may–

(a) supply to any person a copy of the record;

(b) disclose any information contained in it; or

(c) make use of any such information,

otherwise than for purposes connected with the carrying out of any of their statutory functions.

(4) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Supply of the record of anonymous entries to police forces and other organisations

45E.—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to–

(a) any police force in Great Britain;

(b) the Police Service of Northern Ireland or the Police Service of Northern Ireland (Reserve);

(c) the Police Information Technology Organisation;

(d) any body of constables established under an enactment; or

(e) the Serious Organised Crime Agency.

(2) Senior officer means–

(a) in the case of the forces and organisations mentioned in paragraph (1)(a) to (d), an officer of a rank senior to that of superintendent;

(b) in the case of the Serious Organised Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may–

(a) supply to any person a copy of the record;

(b) disclose any information contained in it; or

(c) make use of any such information,

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are–

(a) the prevention and detection of crime and the enforcement of the criminal law (whether in Scotland or elsewhere);

(b) the vetting of a relevant person for the purpose of safeguarding national security.

(5) Relevant person means–

(a) a constable or officer or prospective constable or officer of the force or organisation;

(b) an employee of, or applicant for employment by, the force or organisation.

(6) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Certificate of anonymous registration

45F.—(1) Where a registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate of anonymous registration must state–

(a) the name of the area for which the registration officer acts;

(b) the name, electoral number and qualifying address of the person who has the anonymous entry;

(c) the date on which the anonymous entry took effect;

(d) that unless a fresh application for an anonymous entry is made, the entitlement to remain registered anonymously will terminate no later than at the end of the period of 12 months beginning with the date stated in accordance with sub-paragraph (c).

Certificate of anonymous registration prescribed for purposes of paragraph 10(2) of Schedule 2A

45G. The evidence prescribed for the purposes of paragraph 10(2) of Schedule 2A to the 1983 Act(**a**) is a certificate of anonymous registration.".

Anonymous registration: amendment to regulation 51B

19.—(1) Regulation 51B(**b**) is amended as follows.

(2) After regulation 51B(1) insert–

"(1A) Paragraph (1) does not apply where an applicant has, or has applied for, an anonymous entry.".

(3) Omit paragraph (2).

(**a**) 1983 c.2; Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000 (c.41) and paragraph 10(2) of Schedule 2A was inserted by paragraph 16 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
(**b**) Regulation 51B was inserted by S.I. 2006/834.

Anonymous registration: amendment to additional requirements for applications for proxy vote in respect of a particular election

20.—(1) Regulation 55(**a**) is amended as follows.

(2) After regulation 55(1) insert–

"(1A) This regulation does not apply where the applicant has an anonymous entry.".

(3) Omit paragraph (4).

Anonymous registration: amendments to procedure on issue of postal ballot papers

21.—(1) Regulation 72(**b**) is amended as follows.

(2) In paragraph (7) insert at the beginning "Subject to paragraph (8),".

(3) After paragraph (7) insert–

"(8) Where a person has an anonymous entry in the register, the items specified in paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent–

(a) as shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4(**c**); or

(b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b) of Schedule 4(**d**).".

Anonymous registration: amendments relating to list of spoilt postal ballot papers and list of lost postal ballot papers

22. At the end of each of regulations 77(8)(a) and 78(4)(a)(**e**) insert "(or, in the case of an elector who has an anonymous entry, his electoral number alone)".

Anonymous registration: amendment relating to edited version of the register

23. After regulation 93(2)(**f**) insert–

"(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.".

PART 3

Alteration of Registers

Representations regarding clerical errors

24.—(1) In regulation 5, after "notice" insert ", representation".

(2) In regulation 6(1), after "notice" insert ", representation".

(3) In regulation 7(5)(b), after "13B(3)" insert ", (3B) or (3D)"(**g**).

(**a**) Regulation 55 was substituted by S.I. 2006/834 and is also amended by regulation 31 of these Regulations.
(**b**) Regulation 72 was amended by S.I. 2002/1872.
(**c**) The reference is to Schedule 4 to the Representation of the People Act 2000 (c.2).
(**d**) The reference is to Schedule 4 to the Representation of the People Act 2000 (c.2); paragraph 4(1)(b) was amended by section 14(2)(a) of the Electoral Administration Act 2006 (c. 22).
(**e**) Regulations 77 and 78 were amended by S.I. 2006/834.
(**f**) Regulation 93(2) was inserted by S.I. 2002/1872.
(**g**) Regulation 7 was amended by S.I. 2002/1872. The reference is to section 13B of the Representation of the People Act 1983 (c.2), which was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2). Subsections (3B) to (3E) were added by section 11 of the Electoral Administration Act 2006 (c.22).

(4) After regulation 32 insert–

"**Representations regarding clerical errors**

32A.—(1) For the purposes of section 13B(3C) of the 1983 Act a representation may be made orally or in writing.

(2) Where a representation is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the relevant registration officer.".

Amendment to provision about notices in connection with registration

25.—(1) Regulation 36(**a**) is amended as follows.

(2) In paragraph (2) after "13B(3)" insert ", (3B) or (3D)".

(3) After paragraph (2) insert–

"(3) For the purposes of section 13B(3A) and (3C) of the 1983 Act the prescribed time on the day of the poll is 9 p.m..".

Communication of notices made on polling day

26. After regulation 36 insert the following–

"**Communication of notices made on polling day**

36A.—(1) Where a notice is issued under section 13B(3B) or (3D) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the relevant presiding officer.

(2) Such steps may include communicating the notice to the presiding officer by telephone.

(3) Where a notice issued under section 13B(3B) or (3D) of the 1983 Act is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.".

Registers: notices of alterations

27. In each of regulations 92(1)(b), 97(1)(b) and (3)(b), 98(1)(b), 99(1)(b), 100(2)(b), 101(1)(b), 108A(1)(b), 110(1)(b) and (7), and 111(1) and (6)(b) after "13B(3)" insert ", (3B) or (3D)"(**b**).

PART 4

Replacement of Stamping and Counterfoils

Forms of Corresponding Number List

28.—(1) After regulation 63 insert–

"**Corresponding number lists**

63A.—(1) The form of the corresponding number list to be prepared by a returning officer under rule 19A(**c**) of the rules in Schedule 1 to the 1983 Act shall be in Form L1.

(**a**) Regulation 36 was amended by S.I. 2002/1872.
(**b**) These regulations were inserted by S.I. 2002/1872, except for regulation 108A which was inserted by S.I. 2006/834.
(**c**) Rule 19A was added by section 31 of the Electoral Administration Act 2006 (c.22).

(2) The form of the corresponding number list to be prepared by a returning officer for the purposes of rules 29(3)(e), 37(1)(b) and 37(1)(d)(**a**) of the rules in Schedule 1 to the 1983 Act shall be in Form L2.

(3) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985(**b**) shall be in Form M1.

(4) The form of the corresponding number list to be prepared by a returning officer for the purposes of rules 29(3)(e), 37(1)(b), and 37(1)(d) of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985 shall be in Form M2.".

(2) In Schedule 3, in the Arrangement of Forms, after the entry relating to Form K insert–

"Form L1	Corresponding Number List for use at parliamentary election taken alone
Form L2	Corresponding Number List for use in polling station at parliamentary election taken alone
Form M1	Corresponding Number List for use when parliamentary election combined with another poll
Form M2	Corresponding Number List for use in polling station when parliamentary election combined with another poll".

(3) After Form K in Schedule 3, insert Forms L1, L2, M1 and M2 as set out in Schedule 2 to these Regulations.

Removal of requirement to stamp ballot papers and replacement of counterfoils

29.—(1) In regulation 72(**c**) omit paragraph (1) and for "counterfoil attached to the ballot paper" in paragraph (2) substitute "corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector".

(2) In regulation 75, in the heading and in paragraph (1), for the word "counterfoils" substitute "completed corresponding number lists".

PART 5

Absent Voting: Proxy Applications

Persons who may attest applications for a proxy vote

30.—(1) Regulation 53(**d**) is amended as follows.

(2) In the heading to regulation 53, for the words "physical incapacity or blindness" substitute "blindness or any other disability".

(3) In paragraph (1) for "the physical incapacity" substitute "the disability".

(4) For paragraphs (2), (3) and (4) substitute–

"(2) Subject to paragraphs (3) and (5), such an application shall be attested and signed by–

(a) a registered medical practitioner;

(**a**) Rule 29(3)(e) was also added by that section of the 2006 Act; rule 37 was substituted by paragraph 75 of Schedule 1 to that Act.

(**b**) 1985 c.50; section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c.58) and by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c.26).

(**c**) Regulation 72 was amended by S.I. 2002/1872.

(**d**) Regulation 53 was amended by S.I. 2002/881 and 2004/1771.

(b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(**a**) by virtue of qualifications in nursing;

(c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(**b**);

(d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989(**c**);

(e) a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954(**d**);

(f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(**e**);

(g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(**f**);

(h) a Christian Science practitioner;

(i) a person for the time being listed in the British Psychological Society's register of chartered psychologists;

(j) a person registered as a member of a profession to which the Health Professions Order 2001(**g**) for the time being extends;

(k) the person managing a care home service registered under Part 1 of the Regulation of Care (Scotland) Act 2001(**h**);

(l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;

(m) a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003(**i**) responsible for the administration of a hospital within the meaning of that section; or

(n) a person registered as a social worker in the register maintained in accordance with section 44 of the Regulation of Care (Scotland) Act 2001.

(3) A person who qualifies–

(a) by virtue of any of sub-paragraphs (a) to (j) of paragraph (2) may not attest an application for these purposes unless–

(i) he is treating the applicant for the disability specified in the application; or

(ii) the applicant is receiving care from him in respect of that disability; or

(b) by virtue of sub-paragraph (n) of paragraph (2) may not attest an application for these purposes unless–

(i) he is treating the applicant for the disability specified in the application;

(ii) the applicant is receiving care from him in respect of that disability; or

(iii) he has arranged care or assistance for the applicant in respect of the applicant's disability.

(4) The person attesting an application under paragraph (2), other than a person attesting by virtue of sub-paragraph (2)(m), shall state–

(a) his name and address and the qualification by virtue of which he attests the application;

(b) where the person who attests the application is a person referred to in sub-paragraph (3)(a), that he is treating the applicant for the disability specified in

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(**a**) S.I. 2002/253.
(**b**) 1984 c.24.
(**c**) 1989 c.44.
(**d**) 1954 c.61.
(**e**) 1993 c.21.
(**f**) 1994 c.17.
(**g**) S.I. 2002/254.
(**h**) 2001 asp 8.
(**i**) 2003 asp 13.

the application or that the applicant is receiving care from him in respect of that disability;

(c) where the person who attests the application is a person referred to in sub-paragraph (3)(b), that he is treating the applicant for the disability specified in the application, that the applicant is receiving care from him in respect of that disability, or that he has arranged care or assistance for the applicant in respect of that disability;

(d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and

(e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.

(4A) A manager (or a person on behalf of a manager) attesting an application under sub-paragraph (2)(m) shall state–

(a) the name of the manager attesting the application;

(b) that the manager is authorised to attest the application;

(c) the position of the manager in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;

(d) the statutory provision under which the applicant is detained, or is liable to be detained, at the hospital, where applicable;

(d) that, to the best of the manager's knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and

(e) that, to the best of the manager's knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the manager attesting the application.".

(5) In paragraph (5)–

(a) for "Paragraphs (2) to (4) above" substitute "Paragraphs (2) to (4A); and

(b) in sub-paragraph (b) for "physical incapacity" substitute "disability".

Additional requirements for certain proxy applications for a particular election

31.—(1) Regulation 55(**a**) shall be amended as follows.

(2) In paragraph (2)(a) for "physical incapacity" substitute "disability".

(3) In paragraph (3)–

(a) for "regulation 53(4)" substitute "regulation 53"; and

(b) for "physically incapacitated" substitute "disabled".

(4) After paragraph (3) insert–

"(3A) Where an application under paragraph 4(2) of Schedule 4 is made by a person to whom paragraph 2(5A)(**b**) of that Schedule applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of paragraph (3B) as to the matters to be specified and as to attestation shall apply.

(3B) Where an application mentioned in paragraph (3A) is made–

(a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and

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(**a**) Regulation 55 was substituted by S.I. 2006/834 and is also amended by regulation 20 of these Regulations.
(**b**) Paragraph 2(5A) was inserted by section 35 of the Electoral Administration Act 2006 (c.22).

(b) the application shall be attested by a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of the hospital at which the applicant is liable to be detained, and the attestation shall state–

(i) the name of the manager attesting the application;

(ii) that the manager is authorised to attest the application;

(iii) the position of the manager in the hospital at which the applicant is liable to be detained; and

(iv) the statutory provision under which the applicant is liable to be detained at the hospital.".

Closing date for applications

32.—(1) Regulation 56(**a**) shall be amended as follows.

(2) For paragraph (3A) substitute–

"(3A) Where an application made under paragraph 4(2) of Schedule 4 is made–

(a) on the grounds of the applicant's disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or

(b) by a person to whom paragraph 2(5A) of that Schedule applies,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.".

(3) Omit paragraph (8).

PART 6

Cancellation of Postal Ballot Papers

Cancellation of postal ballot papers

33. After regulation 86 insert–

"**Retrieval of cancelled postal ballot papers**

86A.—(1) Where it appears to the returning officer that a cancelled postal ballot paper has been placed–

(a) in a postal voters' ballot box;

(b) in the receptacle for ballot paper envelopes; or

(c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters' ballot box is opened in accordance with regulation 83, also open any postal ballot box and the receptacle for ballot paper envelopes and–

(a) retrieve the cancelled ballot paper;

(b) show the ballot paper number on the cancelled ballot paper to the agents;

(c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;

(**a**) Regulation 56 was amended by S.I. 2001/1749 and 2006/834.

(d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;

(e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulation 77(6); and

(f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 45 of the elections rules, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the returning officer and his staff–

(a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers, and

(b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.".

PART 7

Official Poll Cards

Prescribed forms of official poll cards and postal poll cards

34. For regulation 9 insert–

"**Official poll cards and postal poll cards at parliamentary elections**

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

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

(3) The official postal poll card issued to an elector shall be in Form A1.

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

(5) The official postal poll card issued to the proxy of an elector shall be in Form B1.".

Insertion of new official poll cards and postal poll cards into Schedule 3

35.—(1) Schedule 3 shall be amended as follows.

(2) In the Arrangement of Forms, for the entries for Form A (Elector's official poll card) and Form B (Proxy's official poll card) substitute–

"Form A	Official poll card (to be sent to an elector voting in person)
Form A1	Official postal poll card (to be sent to an elector voting by post)
Form B	Official proxy poll card (to be sent to an appointed proxy voting in person)
Form B1	Official proxy postal poll card (to be sent to an appointed proxy voting by post)".

(3) For Form A substitute Form A (Official poll card) set out in Schedule 2 to these Regulations.

(4) After Form A insert Form A1 (Official postal poll card) set out in Schedule 2 to these Regulations.

(5) For Form B substitute Form B (Official proxy poll card) set out in Schedule 2 to these Regulations.

(**a**) Rule 28(3) in Schedule 1 to the Representation of the People Act 1983 (c.2) was amended by paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(6) After Form B insert Form B1 (Official proxy postal poll card) set out in Schedule 2 to these Regulations.

PART 8

Postal Voters List

Interpretation of Part V of the 2001 Regulations

36.—(1) Regulation 64 shall be amended as follows.

(2) Omit the definition of "absent voters list".

(3) Omit the definition of "list of postal proxies".

Postal voters list and proxy postal voters list

37.—(1) In regulations 72 and 73 for "absent voters list" in each place where it occurs substitute "postal voters list".

(2) In regulations 72 and 73 for "list of postal proxies" in each place where it occurs substitute "proxy postal voters list".

(3) In regulation 72(7)(b)(**a**)for the words "special list" to the end substitute "proxy postal voters list.".

Amendments to procedure for security of special lists

38.—(1) Regulation 75 is amended as follows.

(2) Omit paragraph (2).

(3) For paragraph (3) substitute–

"(3) Until the time referred to in regulation 84(8)(**b**), the returning officer shall take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.".

Amendment to procedure for the opening of covering envelopes

39. In regulation 84, after paragraph (4) insert–

"(5) In carrying out the procedures in this regulation and regulations 85 to 88, the returning officer–

(a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and

(b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(6) Where an envelope contains a postal voting statement, the returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(7) A mark made under paragraph (6) shall be distinguishable from and shall not obscure the mark made under regulation 72(3).

(8) As soon as practicable after the last covering envelope has been opened, the returning officer shall make up into a packet the copy of the postal voters list and proxy postal voters list that have been marked in accordance with paragraph (6) and shall seal such a packet.".

(**a**) Paragraph (7) of regulation 72 was inserted by S.I. 2002/1872.
(**b**) Paragraph (8) of regulation 84 is inserted by regulation 39 of these Regulations.

Confirmation of receipt of postal vote and postal voting statement

40. After regulation 84 insert–

"**Confirming receipt of postal vote and postal voting statements**

84A.—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may request, at any time before the close of the poll, that the returning officer confirm–

(a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and

(b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of rejected votes kept by the returning officer under paragraphs (2) and (3) of regulation 87.

(2) The returning officer shall satisfy himself that any such request has been made by the elector or their proxy, and if so satisfied shall provide confirmation of the matters specified paragraph (1).".

Amendment to requirements for forwarding of documents

41. In regulation 91(1)(a) after "78(2C)" insert ", 84(8)"(**a**).

PART 9

Access to Absent Voter Lists

Supply and disclosure of absent voter lists

42. In regulation 7 after paragraph (5) insert–

"(6) Paragraph (1) does not apply to copies of information covered by regulation 61(1) or to any of the documents open to public inspection under regulation 118."(**b**).

Records and lists kept under Schedule 4 to the Representation of the People Act 2000(c)

43. For regulation 61 substitute–

"**Records and lists kept under Schedule 4**

61.—(1) Any person entitled to be supplied in accordance with regulation 102, 104, 105 or 107 with copies of the full register is also a person entitled, subject to this regulation and to regulation 61A, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps–

(a) the current version of the information which would, in the event of a particular parliamentary election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8) of Schedule 4(**d**);

(**a**) Paragraph (1) of regulation 91, was amended by SI 2006/834.
(**b**) Regulation 7 was amended by S.I. 2002/1872. Regulation 61(1) is substituted by regulation 43 of these Regulations. Regulation 118 is inserted by regulation 47 of these Regulations.
(**c**) 2000 c.2.
(**d**) Paragraphs 5 and 7 of Schedule 4 to the Representation of the People Act 2000 (c.2) were amended by paragraphs 22 and 137 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8) of Schedule 4.

(2) A request under paragraph (1) shall be made in writing and shall specify–

(a) the information (or the relevant parts of the information) requested;

(b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and

(c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this regulation may use it only for–

(a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998(**a**); or

(b) electoral purposes,

and such use shall be subject to any restrictions specified in regulation 61A or, where the request for information was made by reference to entitlement under regulations 102, 104, 105 or 107, subject to any restrictions which would apply to the use of the full register under whichever of those regulations entitled that person to obtain that information.

(4) The registration officer shall supply a current copy of the information requested under paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer shall supply a final copy of the postal voters list kept under paragraph 5(2) of Schedule 4, as soon as practicable after 5 p.m. on the eleventh day before the day of the poll, in response to a request under paragraph (1) that has been duly made.

(6) As soon as practicable after 5 p.m. on the sixth day before the day of the poll the registration officer shall–

(a) make a copy of the lists kept under paragraphs 5 and 7(8) of Schedule 4 available for inspection at his office in accordance with paragraphs (10) to (15); and

(b) at a parliamentary election, if he is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, send to that officer a copy of those lists;

(c) supply a final copy of the postal voters lists or the list of proxies in response to every request under paragraph (1) that has been duly made.

(7) The registration officer shall supply a final copy of the proxy voters list kept under paragraph 5(3) of Schedule 4, updated to include any additions to that list made in consequence of any applications granted in accordance with regulation 56(3A), as soon as practicable after 5 p.m. on the day of the poll, to every person who received that list in accordance with paragraph (6)(c).

(8) Any person who has obtained or is entitled to obtain a copy of information covered by paragraph (1) may–

(a) supply a copy of the information to a processor for the purpose of processing the information; or

(b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) and the condition in paragraph (4) of regulation 114(**b**) shall be taken to apply to the supply and processing of information supplied under this regulation as they apply to the supply and processing of the full register under Part 6 of these Regulations.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph (1).

(**a**) 1998 c.29.
(**b**) Regulation 114 was inserted by S.I. 2002/1872.

(11) A request under paragraph (10) shall be made in writing and shall specify–

(a) the information (or relevant parts of the information) requested;

(b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;

(c) who will inspect the information;

(d) the date on which they wish to inspect the information; and

(e) whether they would prefer to inspect the information in a printed or data form.

(12) The registration officer shall make a copy of the information available for inspection under supervision on the date requested or as soon as practicable thereafter, if the request under paragraph (10) has been duly made.

(13) Where inspection requested under paragraph (10) takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to–

(a) search it by electronic means by reference to the name of any person; or

(b) copy or transmit any part of that copy by electronic, or any other means.

(14) A person who inspects a copy of information provided under paragraph (12), whether a printed copy or in data form, may not–

(a) make copies of any part of it; or

(b) record any particulars in it,

otherwise than by means of hand-written notes.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this regulation, imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this regulation–

(a) a "current" copy of records or lists is a copy of the records or lists as kept by the registration officer at the beginning of the day it is supplied; and

(b) any period of days shall be calculated in accordance with regulation 56(6) and (7)(**a**).

(17) The registration officer shall ensure that where he supplies or discloses information covered by paragraph (1)(a) in accordance with this regulation, he does not supply or disclose any record relating to–

(a) a person who has an anonymous entry; or

(b) the proxy of a person who has an anonymous entry.".

Conditions on the use, supply and inspection of absent voter records or lists

44. After regulation 61 insert–

"**Conditions on the use, supply and inspection of absent voter records or lists**

61A. The restrictions on the supply, disclosure and use of the full register in regulations 94 and 95 shall apply to information covered by regulations 61(1)(a) and (b), as they apply to the full register, except that the permitted purpose shall mean either–

(a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998; or

(b) electoral purposes.".

(**a**) Regulation 56(6) is amended by regulation 48(2) of these Regulations.

PART 10

Control of Documents Following an Election

Processing of information outside the EEA

45. In regulation 114 omit paragraph (3)(**a**).

Offences in respect of contravention of Parts III, IV and VI

46. For regulation 115(**b**) substitute–

"**Offences in respect of contravention of Parts III, IV and VI**

115.—(1) A person is guilty of an offence–

(a) if he contravenes any of the provisions specified in paragraph (2); or

(b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.

(2) Those provisions are regulations 45C(4), 45D(3), 45E(3), 61(3) and (14), 94(3), 95(2), 96(2), (4) and (6), 97(7), 97A(3), 98(3), (5) and (7), 99(3) and (5), 100(5), 102(3), 103(3), 104(4), 105(3), 106(3) and (6), 107(5), 108(3), 108A(6), (8) and (10), 111(4) and (5), 112(5) and (6) and 114(4)(**c**).

(3) P is not guilty of an offence under paragraph (1) if–

(a) he has an appropriate supervisor; and

(b) he has complied with all the requirements imposed on him by his appropriate supervisor.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in paragraph (2).

(5) In paragraphs (1)(b) and (3)–

(a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;

(b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).

(6) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

Supply and inspection of marked registers and other documents

47. After regulation 115 insert the following–

(**a**) Regulation 114 was inserted by S.I. 2002/1872.

(**b**) Part VI including regulation 115 was inserted by S.I. 2002/1872. Regulation 115 was amended by S.I. 2006/834.

(**c**) Regulations 45C, 45D and 45E are inserted by regulation 18 of these Regulations. Regulation 61 is substituted by regulation 43 of these Regulations. Part VI of the 2001 regulations, comprising regulations 92 to 115, was inserted by S.I. 2002/1872. Regulations 96(6), 97A, 98(7) and 108A were inserted by S.I. 2006/834, which also amended regulations 96(2) and (4), 98(3) and (5) and 106(3), and substituted regulation 95(2).

"PART VII

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation of Part VII

116.—(1) In this Part references to the "marked register or lists" means any part of the marked copies of–

(a) the full register;

(b) the postal voters list;

(c) the list of proxies; and

(d) the proxy postal voters list,

forwarded to the sheriff clerk under regulation 91 or rule 55(1)(b) and (c) of the elections rules.

(2) For the purposes of this Part any period of days shall be calculated in accordance with regulation 56.

(3) Paragraphs (2) and (3) of regulation 92, and the condition in regulation 114(4)(**a**), shall be taken to apply to the supply and processing of information supplied under this Part as they apply to the supply and processing of the full register under Part VI of these Regulations.

(4) Any duty on a sheriff clerk to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after an election

117.—(1) Any person entitled to be supplied, in accordance with regulation 99, 102, 104, 105, 107, 108 or 112(**b**), with copies of the full register at the time of a parliamentary election is also a person entitled, subject to this regulation and to regulation 119, to request that a sheriff clerk supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person who was entitled to request copies of the marked register or lists under paragraph (1) by being in a category of persons covered by regulation 102, 104, 105 or 107 before a particular election, shall be entitled to request those documents regardless of whether he remains in an entitled category after that election for which the marked register or list was prepared.

(3) A request under paragraph (1) shall be made in writing and shall–

(a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;

(b) state whether a printed copy of the records or lists is requested or a copy in data form;

(c) state the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve those purposes.

(4) The sheriff clerk shall supply a copy of the relevant part of the marked register or lists where a request is duly made, and–

(**a**) Regulations 92 and 114 were inserted by S.I. 2002/1872. Regulation 92(2) was amended by S.I. 2006/834; there are other amendments to regulations 92 and 114, including amendments in these Regulations, but none are relevant.

(**b**) These regulations were added by S.I. 2002/1872. Regulations 99, 104 and 112 were amended by S.I. 2006/834, and regulation 99 is amended by regulation 27 of these Regulations.

(a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested, and

(b) he has received payment of a fee calculated in accordance with regulation 120.

(5) If the sheriff clerk is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under regulation 61 or for the published copy of the full register in accordance with regulation 101, or both(**a**).

(6) A person who obtains a copy of any part of a marked register or list under this regulation may use it only for the permitted purposes specified in paragraph (2) of regulation 119, and any conditions–

(a) specified in that paragraph; or

(b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 107, 108 or 112 entitled that person to obtain that document,

shall apply to such use.

(7) The conditions referred to in paragraph (6) apply to a person to whom the marked register or lists, or any information contained in it (that is not contained in the edited register) has been supplied or disclosed under that paragraph as they apply to the person to whom those regulations apply.

(8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this regulation may–

(a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein; or

(b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

118.—(1) Any person is entitled to request that the sheriff clerk make available for inspection a copy of any of the following documents (referred to in this regulation and in regulation 119 as "the documents open to public inspection")–

(a) the marked register or lists;

(b) such other documents relating to an election as the sheriff clerk is required by or under any enactment to retain for any period except–

(i) ballot papers;

(ii) completed corresponding number lists;

(iii) certificates as to employment on the day of the election.

(2) A request under paragraph (1) shall be made in writing and shall specify–

(a) which documents are requested;

(b) the purposes for which the information in any document will be used;

(c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve those purposes;

(d) who will inspect the documents;

(e) the date on which they wish to inspect the documents; and

(**a**) Regulation 101 was inserted by S.I 2002/1872. Regulation 61 is substituted by regulation 43 of these Regulations.

(f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to paragraph (4), the sheriff clerk shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the sheriff clerk is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor–

(a) of his decision under this paragraph; and

(b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43(**a**).

(5) A person who obtains a copy of or information in any document open to public inspection under this regulation may use it only for the permitted purposes specified in regulation 119, and any conditions–

(a) specified in that regulation;

(b) specified in paragraph (7); or

(c) which would apply to the use of the full register under regulation 108 where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the sheriff clerk shall ensure that the manner in, and equipment on which that copy is provided do not permit any person consulting that copy to–

(a) search it by electronic means by reference to the name of any person; or

(b) copy or transmit any part of that copy by electronic, or any other means.

(7) Subject to paragraph (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not–

(a) make copies of any part of it; or

(b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(8) The sheriff clerk shall on request, supply free of charge copies of any documents open to public inspection, to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 108 applies.

Conditions on the use, supply and disclosure of documents open to public inspection

119.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 95 shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person–

(a) obtains copies of the information in the marked register or lists in accordance with regulation 117(1); or

(b) a person inspects information in accordance with regulation 118(1),

the permitted purpose shall mean either–

(i) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998; or

(ii) electoral purposes.

(**a**) Regulation 43 was amended by S.I. 2002/1872.

(3) Where a copy of any information was supplied in the circumstances to which regulation 118(8) applies, the permitted purpose means the purposes set out in regulation 108(4).

Fees relating to the supply of marked registers and lists

120. The formula used for the purpose of calculating the fee that shall be paid to the sheriff clerk under regulation 117(4)(b) by a requestor prior to their being supplied with copies of the marked register or lists (or any relevant part those documents) shall be the same as for calculation of the fee for sale of the full register and notices, as set out in regulation 110(5)(**a**).".

PART 11

Miscellaneous Amendments and Transitional Provision

Maundy Thursday

48.—(1) In regulation 8(3) omit the words "Maundy Thursday,".

(2) In regulation 56(6)(**b**) omit the words "Maundy Thursday,".

Additional requirement for postal vote applications

49. After regulation 51A insert–

"**Additional requirement for applications for ballot papers to be sent to different address from that stated in application**

51AA.—(1) Paragraph (2) applies where–

(a) in the case of an application to vote by post under paragraph 3(1) or (7) or 4(1) of Schedule 4(**c**), the addresses stated in accordance with regulation 51(2)(b)(**d**) and (d) are different;

(b) in the case of an application by a proxy to vote by post under paragraph 7(4) of Schedule 4(**e**), the proxy's address stated in accordance with regulation 51(2)(c) and the address stated in accordance with regulation 51(2)(d) are different.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with regulation 51(2)(d).

(3) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.".

Amendments relating to requirement to make notification to absent voters

50.—(1) Regulation 57(**f**) is amended as follows.

(2) In paragraph (4B)–

(a) after "paragraph 3(4)" insert "or 7(6)";

(b) after "shall" insert "where practicable".

(**a**) Regulation 110 was inserted by S.I. 2002/1872 and amended by S.I. 2006/834.
(**b**) Regulation 56 was amended by S.I. 2001/1879 and 2006/834, and is further amended by regulation 32 of these Regulations.
(**c**) The reference is to Schedule 4 to the Representation of the People Act 2000 (c.2.). Paragraphs 3(1) and 4(1) were amended by, respectively, section 14(1)(a) and (2)(a) of the Electoral Administration Act 2006 (c.22).
(**d**) Amended by S.I. 2006/834.
(**e**) The reference is to Schedule 4 to the Representation of the People Act 2000 (c.2).
(**f**) Amended by S.I. 2006/834.

(3) In paragraph (4C) after "shall" insert "where practicable".

(4) Omit paragraph (7).

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers: observers

51. Regulations 67 and 68 are amended by inserting at the beginning of each regulation the words "Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000(**a**),".

Envelopes

52. In regulation 74, at the beginning of paragraph (3)(c) insert "unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed,".

Restrictions on supply of full register and disclosure of information from it

53. In regulation 94(2)(**b**), after "also", where it first occurs, insert "the returning officer at any election or".

Replacement of declarations of identity by postal voting statements

54. In the Representation of the People (Scotland) Regulations 2001(**c**)–

(a) for each reference to "declaration of identity" or "declarations of identity" substitute "postal voting statement" or "postal voting statements" respectively; and

(b) in each of the following places at which there is another reference to "declaration", substitute "statement"–

(i) regulation 79(1)(b),

(ii) paragraphs (1), (2), (3), (4) and (7) of regulation 85(**d**), and

(iii) paragraphs (1) and (4) of regulation 88.

Form of Postal Voting Statement

55. In Schedule 3, for Form G, Form H and Form J substitute the Form G, Form H and Form J set out in Schedule 2 to these Regulations.

Transitional provision: regulation 31J

56.—(1) Paragraph (2) applies until paragraph 2(1) and (2) of Schedule 2 to the Children Act 2004(**e**) comes into force.

(**a**) 2000 c.41; sections 6A to 6E were inserted by section 29 of the Electoral Administration Act 2006 (c.22).
(**b**) Regulation 94 was added by S.I. 2002/1872.
(**c**) S.I. 2001/497.
(**d**) Regulation 85 was amended by S.I. 2002/1872.
(**e**) 2004 c.31.

(2) Regulation 31J(**a**) must be read as if for sub-paragraphs (g) to (i) of paragraph (4) there were substituted–

"(g) any director of social services in England or Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970(**b**);".

Parliamentary Under Secretary of State
Department for Constitutional Affairs

Date

(**a**) Regulation 31J is inserted by regulation 12 of these Regulations.
(**b**) 1970 c.42; section 6(1) was amended by paragraph 2 of Schedule 2 to the Children Act 2004 (c.31).

SCHEDULE 1

Enabling Powers

These Regulations are made under the following powers–

(a) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), 10A(5)(b), 13B, 15(2)(aa), and 53 of, rule 57 in Schedule 1 to, and paragraphs 2A, 2B, 3A, 5A, 8A, 10, 12 and 13(1A) of Schedule 2 to, the Representation of the People Act 1983(**a**);

(b) having regard to the definition of "prescribed" in section 202(1) of the Representation of the People Act 1983, section 10A(1)(a), 10A(3), 13A(1)(a), rules 19A, 24, 28(3), 31A and 45(1B) in Schedule 1 to, and paragraph 10(2) of Schedule 2A to, that Act(**b**);

(c) sections 2(2)(aa) and 15(5) of the Representation of the People Act 1985(**c**);

(d) having regard to the definition of "prescribed" in section 202(1) of the Representation of the People Act 1983 and paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000(**d**), paragraphs 3(1)(b) and (2)(c), 4(1)(b), (2)(c) and (4)(a), 6(7) and (8) and 7(5)(c) of that Schedule; and

(e) section 42 of the Electoral Administration Act 2006(**e**).

(**a**) 1983 c. 2. Paragraph (aa) of sections 7(3), 7A(3), 7C(2) and 15(2) were inserted by section 12 of the Electoral Administration Act 2006 (c.22) ("the 2006 Act"), section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) ("the 2000 Act), and section 13B was inserted by paragraph 6 of that Schedule and amended by section 11 of the 2006 Act, section 53 was amended by paragraph 13 of Schedule 1 to the 2000 Act and subsection (4) inserted by paragraph 109 of Schedule 1 to the 2006 Act, paragraphs (3) to (9) of rule 57 were inserted by section 41 of the 2006 Act, paragraph 2A of Schedule 2 was inserted by section 5 of the Representation of the People Act 1989 (c. 28) and amended by paragraph 24 of Schedule 1 to the 2000 Act, paragraph 2B of Schedule 2 was inserted by paragraph 15(3) of Schedule 1 to the 2006 Act, paragraph 3A of Schedule 2 was inserted by paragraph 24 of Schedule 1 to the 2000 Act, paragraph 5A was inserted by section 11 of the Representation of the People Act 1985 and amended by paragraph 11 of Schedule 6 to the 2000 Act, paragraph 8A was inserted by paragraph 15(6) of Schedule 1 to the 2006 Act, paragraph 10 was amended by section 9 of the 2000 Act and paragraph 15(7) of Schedule 1 to the 2006 Act, sub-paragraph (aa) of paragraph 12 of Schedule 2 was inserted by paragraph 94 of Schedule 1 to the 2006 Act and sub-paragraph (1A) of paragraph 13 of Schedule 2 was inserted by section 9 of the 2000 Act.

(**b**) Section 13A was inserted by paragraph 6 of Schedule 1 to the 2000 Act, rule 19A was inserted by section 31(2) of the 2006 Act, rule 24 was substituted by section 37 of the 2006 Act, rule 28(3) was amended by section 4 of, and paragraph 6 of Schedule 2 to, the Representation of the People Act 1985 (c.50) and by paragraph 70 of Schedule 1 to the 2006 Act, rule 31A was inserted by section 45 of the 2006 Act, rule 45(1B) was inserted by paragraph 10 of Schedule 6 to the 2000 Act and amended by paragraphs 69 and 73 of Schedule 1 to the 2006 Act, Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraph 10(2) of Schedule 2A was inserted by paragraph 16 of Schedule 1 to the 2006 Act.

(**c**) 1985 c.50; section 2 was substituted by paragraphs 1 and 3 of Schedule 2 to the 2000 Act and subsection (2)(aa) was inserted by section 12(9) of the 2006 Act, section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58) and by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c. 26) (there are other amendments, but they are not relevant).

(**d**) 2000 c. 2; paragraphs 3, 4 and 7 of Schedule 4 were amended by the 2006 Act.

(**e**) 2006 c. 22.

SCHEDULE 2

Regulations 28, 35 and 55

Forms

Form A: OFFICIAL POLL CARD
(to be sent to an elector voting in person)

Front of card

OFFICIAL POLL CARD

Constituency: Polling Day: Polling hours: **7 a.m. to 10 p.m.** Your polling place will be:	Number on register: *Name ..... *Address ..... * *(Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)*

***This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.**

SEE FURTHER INFORMATION ON THE BACK OF THIS CARD

Back of card

PARLIAMENTARY ELECTION

*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.

***The clerk will confirm your details on the register.**

When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.

Vote for ONE candidate only. Do not put any other mark on the ballot paper, or your vote may not count.

If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll–

- You can apply to vote by post. Your application must be received before 5 pm on *[-11 day/date deadline*]. If you are given a postal vote, you will not be entitled to vote in person at this election.

- You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 pm on *[-6 day/date deadline*]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you.

In certain circumstances it may be possible to apply to vote by proxy after *[-6 day/date deadline*].

To change any of your voting arrangements please contact [*helpline number*] as soon as possible.

Issued by the Returning Officer

*[Where poll card sent to an anonymous elector substitute for the paragraphs marked with * above:–*

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register].

Form A1: OFFICIAL POSTAL POLL CARD
(to be sent to an elector voting by post)

Front of card

OFFICIAL POSTAL POLL CARD

Constituency:

For the election on: [*day/date*]

Number on Register:

*Name and Address:

**(Returning Officer to omit where postal poll card sent to an anonymous elector. Postal poll card to anonymous elector must be delivered in a sealed envelope.)*

This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call: [*helpline number*] before 5 pm on *[-11 day/date deadline*].

We will send your postal voting papers around [*day/date*].

Addressed to:
(Name and Address)

If your postal voting papers have not arrived by [*day/date*] call: [*helpline number*] and ask for help.

If you lose or accidentally spoil your postal ballot paper, please call: [*helpline number*] as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [*day/date of poll*].

This card is to provide you with information about voting by post.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

PARLIAMENTARY ELECTION

When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Returning Officer: please call our helpline on [*helpline number*].

You must **sign** the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer). This is a security measure. It will not affect your vote or mean it can be identified. Without your signature the statement will not be valid and your vote will not count. The Returning Officer can cross check your signature against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [*day/date of poll*].

Complete and return your postal vote as soon as possible. The Returning Officer must receive your postal vote by 10 pm on [*day/date of poll*]. You can deliver your completed voting papers to any polling station in the constituency.

If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on *[-11 day/date deadline*].

If you need any assistance, please call our helpline on: [*helpline number*].

It is an offence to vote using a ballot paper that was not addressed to you.

Issued by the Returning Officer

Form B: OFFICIAL PROXY POLL CARD

(to be sent to an appointed proxy voting in person)

Front of card

OFFICIAL PROXY POLL CARD

Constituency: Polling Day: Polling hours: **7 a.m. to 10 p.m.** Elector's polling place will be:	*This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy. *Proxy's name ..... *Proxy's address ..... *(*Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of anonymous elector must be delivered in a sealed envelope.*)

***This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.**

SEE FURTHER INFORMATION ON THE BACK OF THIS CARD

Back of card

PARLIAMENTARY ELECTION

*This poll card is to tell you that for this election you are appointed as proxy for:

.....

*(Elector's name)

.....

*(Elector's address)

.....

*(Elector's number on register)

*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above.

The clerk will confirm the details on the register.

When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate the elector is voting for.

Vote for ONE candidate only. Do not put any other mark on the ballot paper, or the vote may not count.

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, you can apply before 5 pm on *[-11 day/date deadline*] to vote by post. If you are given a postal vote, you or the elector will *not* be entitled to vote in person at this election.

The person who appointed you as proxy may vote at this election. If they wish to do so they must vote in person before you vote on their behalf.

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

Issued by the Returning Officer

[*Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above:–*

You must have this card with you when you vote, you cannot vote as proxy without it.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....
(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card].

Form B1: OFFICIAL PROXY POSTAL POLL CARD
(to be sent to an appointed proxy voting by post)

Front of card

OFFICIAL PROXY POSTAL POLL CARD

Constituency: For the election on: [*day/date*] Name and Address (Proxy):	This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. **You will not be able to vote on behalf of the elector in a polling station.** If you want to cancel this postal vote and vote in person on polling day, please call: [*helpline number*] before 5pm on *[-11 day/date deadline*]. **We will send the proxy postal voting papers around [*day/date*].** **If the postal voting papers have not arrived by [*day/date*] please call: [*helpline number*] and ask for help.**

If you lose or accidentally spoil the elector's postal ballot paper, please call: [*helpline number*] as soon as possible. Replacement ballot papers can only be issued before 5pm on [*day/date of poll*].

This card is to provide you with information about voting by post.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

PARLIAMENTARY ELECTION

***This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post.**

.....

*(Elector's name)

.....

*(Elector's address)

When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.

You must **sign** the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer). This is a security measure. It will not affect your vote or mean it can be identified. Without your signature the statement will not be valid and your vote will not count. The Returning Officer can cross check your signature against other records they hold.

If you lose or accidentally spoil the postal ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [*day/date of poll*].

Complete and return the postal vote as soon as possible. The Returning Officer must receive the postal vote by 10 pm on [*day/date of poll*]. You can deliver your completed voting papers to any polling station in your area/ward.

If you want to vote in person as a proxy at these elections, you must cancel your postal vote before 5 p.m. on *[-11 day/date deadline*].

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

Issued by the Returning Officer

[*Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above:–*

This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....
(Elector's number on register)].

Form G: Form of postal voting statement (for use at parliamentary elections)

Postal Voting Statement

*Voter's name: ..... Ballot paper No. .....

**(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)*

[other identifying mark]

[#You must provide your signature. If you do not, the postal voting statement will be invalid and your vote will not count.]

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

#Signature | Signature Here | (voter's signature) IMPORTANT – Keep signature within border

#(Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Returning Officer

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. [#You must provide your signature. If you do not, the postal voting statement will be invalid and your vote will not count.]

2. Vote for ONE candidate only. Do not mark the ballot paper in any other way or your vote may not count.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.

4. If you need help voting, the person helping you must not tell anyone how you voted.

5. Put the ballot paper in the small envelope marked **A** and seal it.

6. Complete the postal voting statement by signing it.

7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

8. After receiving this postal vote, you cannot vote in person at a polling station at this election.

9. If you accidentally spoil your ballot paper, you can apply to the Returning Officer for a replacement before 5 p.m. on [*day/date of poll*]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Returning Officer by 10 pm on [*day/date of poll*]. You can deliver your completed postal vote to any polling station in your constituency on polling day.

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.

#(Returning Officer to omit where a person has been granted a waiver)

Form H: Form of postal voting statement
(for use where there is a joint issue and receipt of postal ballot papers)

Postal Voting Statement

*Voter's name: ..... Ballot paper Nos. .....

**(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)*

[other identifying mark]

[#You must provide your signature. If you do not, the postal voting statement will be invalid and your vote will not count.]

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

#Signature | Signature Here | (voter's signature) IMPORTANT – Keep signature within border

#(Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Returning Officer

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. [#You must provide your signature. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not count.]

2. When you are voting in a Parliamentary election ([*insert colour of ballot paper*] ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.

3. When you are voting in a local government election ([*insert colour of ballot paper*] ballot paper), number the candidates in the order of your choice instead of using a cross. Put the number 1 in the box next to the name of the candidate who is your first choice, then put 2 in the box next to the name of the candidate who is your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.

4. When you are voting in a European Parliamentary election ([*insert colour of ballot paper*] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.

5. [* When you are voting in a [* specify] election ([*insert colour of ballot paper*] ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice. Vote for ONE candidate only/Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.*]

6. [* When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]

7. Do not mark your ballot papers in any other way or your votes may not count.

8. If you need help voting, the person helping you must not tell anyone how you voted.

9. Put all the ballot papers in the small envelope marked **A** and seal it.

10. Complete the postal voting statement by signing it.

11. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straight away.

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil any of your ballot papers, you can apply to the Returning Officer for a replacement before 5 p.m. on [*day/date of poll*]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

! Your ballot papers and the postal voting statement must be received by the Returning Officer by 10 pm on [*day/date of poll*]. You can deliver your completed postal vote to any polling station in your constituency on polling day.

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.

#(Returning Officer to omit where a person has been granted a waiver)

Form J: Form of postal voting statement (for use when a parliamentary poll is combined with another poll but the postal ballot papers are not combined)

Postal Voting Statement

*Voter's name: ..... Ballot paper No. ..... (Colour)

**(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)*

[other identifying mark]

[#You must provide your signature. If you do not, the postal voting statement will be invalid and your vote will not count.]

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

#Signature | Signature Here | (voter's signature) IMPORTANT – Keep signature within border

#(Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Returning Officer

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. [#You must provide your signature. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not be counted.]

2. Vote for ONE candidate only. Do not mark the ballot paper in any other way or your vote may not count.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidates you are voting for.

4. If you need help voting, the person helping you must not tell anyone how you voted.

5. Different colours are used for the ballot papers for each election [and referendum*]. Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not count. You may find it helpful to sort the documents into separate sets.

6. Put the ballot paper in the small envelope marked **A** and seal it.

7. Complete the postal voting statement by signing it.

8. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil your ballot paper, you can apply to the Returning Officer for a replacement before 5 p.m. on [*day/date of poll*]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Returning Officer by 10 pm on [*day/date of poll*]. You can deliver your completed postal vote to any polling station in your area/ward on polling day.

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.

#(Returning Officer to omit where a person has been granted a waiver)

Form L1

Corresponding Number List
(to be used at a parliamentary election taken alone)

Constituency: .....

Date of Poll: .....

Sheet No.: .....

Ballot Paper Number	**Unique Identifying Mark**	**Elector Number** *(to be completed only in respect of ballot papers issued to postal voters)*

Form L2

Corresponding Number List
(to be used in polling stations at a parliamentary election taken alone)

Constituency: .....

Date of Poll: .....

Polling Station: .....

Sheet No.: .....

Ballot Paper Number	**Elector Number**

Form M1

Corresponding Number List
(to be used when a parliamentary election is combined with another election/referendum)

Constituency/ Area(s): .....

Date of Poll: .....

Sheet No.: .....

Ballot Paper Number *Identify the number issued for election/referendum*	**Unique Identifying Mark** *Identify the mark for each ballot paper*	**Elector Number** *(to be completed only in respect of ballot papers issued to postal voters)*

Form M2

Corresponding Number List

(to be used in polling stations when a parliamentary election is combined with another election/referendum)

Constituency/ Area(s): .....

Date of Poll: .....

Polling Station: .....

Sheet No.: .....

Ballot Paper Number *Identify the number issued for election/referendum*	**Elector Number**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497 (S.2)) ("the 2001 Regulations").

In the main, these regulations implement changes made by the Electoral Administration Act 2006, which (amongst other matters) introduced a system of anonymous registration of electors and provided for enhanced anti-fraud measures. Some of these changes are introduced by these Regulations. Further Regulations will be laid for Parliamentary approval in due course to implement other provisions of that Act.

Regulation 2 is a consequential amendment to regulation 3 (interpretation) of the 2001 Regulations.

Regulation 3 repeals the existing offence in regulation 23 of the 2001 Regulations of providing false information in pursuance of a requisition of information by a registration officer. Section 15 of the Electoral Administration Act 2006 (c.22) ("the 2006 Act") has amended section 13D of the Representation of the People Act 1983 (c.2) ("the 1983 Act"), creating a broader offence of providing false information to registration officers.

Regulations 4 and 6 make amendments to the procedure for applications for registration consequential on anonymous registration.

Regulation 5 inserts new regulation 25A in the 2001 Regulations to provide for a reminder to be sent in each year to each person who has an anonymous entry, as the entitlement to registration terminates under section 9C of the 1983 Act after 12 months unless a fresh application is made.

Regulations 7 and 9 amend regulations 27 and 29 of the 2001 Regulations, to make provision for objections made in respect of persons already entered in the register. The amendment made to section 10A of the 1983 Act by section 12(4) of the 2006 Act clarified that such objections could be made. Regulation 9 additionally provides for registration officers to be able to determine objections without a hearing where they are of the opinion that the objection in question is clearly without merit.

Regulation 8 provides that applications for registration, when accompanied by an application for an anonymous entry, will not be available for public inspection.

Regulation 10 inserts new regulation 31A in the 2001 Regulations, to make provision for the determination of objections relating to applications for registration which have been allowed, but where the corresponding changes to the register have not yet taken effect.

Regulation 11 inserts new regulations 31B to 31F in the 2001 Regulations. The 2006 Act, in section 12, amended the provisions of the 1983 Act set out in new regulation 31B, to confer powers on registration officers to make determinations of a person's entitlement to be registered other than in relation to determining applications for registration and objections. These new regulations provide for how these powers are to be exercised. They provide for the registration officer to undertake a review of a person's entitlement to registration (new regulation 31D) and to maintain a list of such reviews (new regulation 31E). Provision is made for when such reviews must be heard (new regulation 31D) and how they are to be heard (new regulation 31F). New regulation 31C provides that this procedure does not apply in four specified circumstances, where it is clear that a person has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, for the purposes of a determination under section 10A(5)(b) of that Act.

Regulation 12 inserts new regulations 31G to 31J in the 2001 Regulations. The 2006 Act, in section 10 and Part 1 of Schedule 1, provided for persons to apply to be entered in the register anonymously, where they show that their safety (or that of another person of their household) is at risk. New regulation 31G governs the procedure for applying for an anonymous entry, which must include a declaration by the applicant. New regulation 31H requires the registration officer to allow the application for an anonymous entry where the application is properly made and he is

satisfied that evidence of the prescribed nature has been provided. That evidence can take one of the following forms: First, an order or injunction of a court - of a type specified in new regulation 31I - protecting the applicant (or another person of his household) from harassment or molestation. Secondly, an attestation made by a qualifying officer - such as the chief constable of a police force - that the safety of the applicant (or another person of his household) is at risk (new regulation 31J).

Regulation 13 amends regulation 32 of the 2001 Regulations. Appeals from the decision of the registration officer that a person was not entitled to be registered, or has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act will be governed by the same prescribed requirements as those which apply to appeals from decisions regarding an application for registration. These requirements are also to apply to appeals from decisions relating to anonymous registration.

Regulation 14 repeals regulation 33 of the 2001 Regulations, which prescribed circumstances for the purposes of section 10A(5)(b) of the 1983 Act. This conferred a power on the registration officer to determine in the circumstances so prescribed that a person had ceased to satisfy the requirements for registration set out in section 4 of that Act. However, the 2006 Act, in section 12(5)(b), substituted a broader power that is now subject to the procedure set out in the new regulations inserted by regulation 11. Consequential amendments are also made to regulations 34 and 36 of the 2001 Regulations.

Regulation 15 inserts new regulation 41A in the 2001 Regulations, which makes provision in relation to the content and location of an anonymous entry in the register. Regulation 16 makes amendments in consequence of anonymous registration.

Regulation 17 amends regulation 44 of the 2001 Regulations, to require the registration officer to include details of the total number of electors who have an anonymous entry in a document setting out information about the register, to be supplied to the Secretary of State, the Scottish Ministers and the Registrar General of Births, Deaths and Marriages for Scotland.

Regulation 18 inserts new regulations 45A to 45G. New regulation 45A requires the registration officer to maintain a record of anonymous entries. This record will contain details about the anonymously registered person, including those normally entered on the register. The registration officer must take proper precautions for the safe custody of the record. New regulations 45B to 45E provide for who is to have access to the record. The record is to be used only for the purposes of registration, elections, referendums, or of the police, security and intelligence services and other related organisations. The record may not otherwise be disclosed, except where this is ordered by a court.

New regulation 45G provides for the registration officer to issue to a person with an anonymous entry a certificate of anonymous registration. Regulation 45G provides that this certificate is the prescribed evidence to allow such persons to make donations to candidates at elections without their personal details being publicly reported.

Regulations 19 to 23 make amendments to the parts of the 2001 Regulations that govern absent voters and the issue and receipt of postal ballot papers in consequence of anonymous registration. Regulations 19 and 20 also remove references to Scottish local government elections that have become redundant, the matters now being covered for those elections by separate regulations.

Regulation 24 amends the 2001 Regulations to make provision in relation to representations made by or on behalf of an elector that the electoral register contains a clerical error. The amendments to regulations 5 and 6 of the 2001 Regulations are to facilitate the use of electronic communications in making representations.

Regulation 25(3) inserts new paragraph (3) to regulation 36 of the 2001 Regulations that specifies the prescribed time for the purposes of section 13B of the 1983 Act. Section 13B of the 1983 Act (as amended by section 11 of the 2006 Act) allows alterations to be made to an electoral register in consequence of a court ruling or in order to correct a clerical error up to a prescribed time on the day of the poll.

Regulation 26 inserts a new regulation 36A into the 2001 Regulations that provides that where a notice of alteration is issued by a registration officer on polling day as a result of a court ruling or to correct a clerical error, the registration officer must communicate the contents of the notice to the presiding officer. Where such communication takes place by way of telephone, the presiding officer is required to make a written record of the contents of the notice.

Regulation 27 amends several of the 2001 Regulations which relate to the supply of the electoral register. The amendments ensure that where a registration officer is required to supply a person with a copy of the electoral register, the register is taken to include any notices of alteration issued by the registration officer under sections 13B(3B) and (3D) of the 1983 Act.

Regulation 28 prescribes the form of corresponding number lists to be used at parliamentary elections at polling stations and for postal ballot papers. This is consequential on sections 30 (ballot paper design) and 31 (replacement of counterfoils) of the 2006 Act.

Regulation 29 removes the requirement to stamp ballots with the official mark in consequence of changes made by the 2006 Act, which enable the official mark to be made in other ways. It also replaces references to counterfoils attached to ballot papers, following the amendments made by section 31 the 2006 Act, which introduce corresponding number lists.

Regulation 30 revises and updates the lists of health care professionals and others who may attest applications for proxy votes so that it also includes persons who may be caring for or treating persons with disabilities of a non-physical nature. It also reflects amendments made by section 73 of the 2006 Act.

Regulations 31 and 32 make provision following section 35 of the 2006 Act. Section 35 amended Schedule 4 to the Representation of the People Act 2000 (c.2) to remove the embargo on certain detained mental patients voting in person at polling stations. Where a detained mental patient is unexpectedly unable to vote in person (such as where he is refused permission to be absent in order to vote), he can appoint a proxy to vote for him. Such appointments may be made up to 5 p.m. on polling day. Regulation 32 also removes a reference to Scottish local government elections that has become redundant, closing dates for applications at those elections now being covered by separate regulations.

Regulation 33 inserts a new regulation 86A into the 2001 Regulations. Where an elector has reported that he has lost or spoilt his ballot paper and a replacement has been issued to him, the original ballot paper is cancelled. The new regulation 86A sets out the procedure by which a cancelled postal ballot paper should be retrieved from a ballot box.

Regulations 34 and 35 and Schedule 2 to these Regulations substitute a revised form of elector's official poll card and proxy's official poll card and prescribe new forms of official postal poll card to be sent to electors and their proxies.

Regulations 36 to 41 are made in consequence of the introduction of new rule 31A of the elections rules requiring the returning officer to record the return of postal ballots. Regulation 36 makes consequential amendments to the 2001 Regulations. Paragraph 137 of Schedule 1 to the 2006 Act adopted a defined term in relation to the special list relating to postal voters kept under paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000 (c.2), and this definition is now adopted in the 2001 Regulations.

Regulation 43 and 44 make provision for the supply and inspection of unmarked lists of absent voters in advance of an election. The new regulations require the registration officer to supply copies of documents to political parties and candidates and to permit inspection of those documents by members of the public.

Regulation 45 removes paragraph (3) of regulation 114, which had the effect of preventing the transfer of data in the full register to a processor outside the European Economic Area. A person who supplies information in the full register to any processor remains subject to the eighth data protection principle in Schedule 1 to the Data Protection Act 1998 (c.29).

Regulation 46 replaces the offences in regulation 115 in order to bring the offences for breach of conditions on the use of information in full registers or unmarked special lists into line with that for misuse of documents after an election. It also creates offences in respect of the duties imposed by new regulations 45C to 45E on those who are supplied with the record of anonymous entries.

Regulation 47 inserts a new Part which makes provision requiring sheriff clerks to supply or disclose information in documents that have been used or marked at a parliamentary and places conditions on the use of information in those documents. An offence for breach of those conditions is contained in section 66B the 1983 Act which was inserted by section 41(9) of the 2006 Act.

Regulation 48 removes references in the 2001 Regulations to Maundy Thursday as a day to be ignored in certain electoral timetables, following amendments made by section 20 of the 2006 Act (Omission of references to Maundy Thursday).

Regulation 49 inserts new regulation 51AA in the 2001 Regulations. Where a person in his application for a postal vote asks for the ballot papers to be sent to an address that is different from the address that must be stated in the application, he must set out why his circumstances are such that this is required.

Regulation 50 amends regulation 57 of the 2001 Regulations, so that the registration officer must notify a person when they are removed from the record of proxies who are entitled to vote by post. It qualifies the requirement to give notifications to absent voters under paragraphs (4B) and (4C) of regulation 57 to where this is practicable. It also removes an adaptation of regulation 57 for Scottish local government elections that has become redundant, notification requirements for those elections now being covered for by separate regulations.

Regulation 52 amends regulation 74 of the 2001 Regulations to provide that a ballot paper envelope does not need to be marked with the number of the ballot paper where the ballot paper envelope contains a window through which the number of the ballot paper can be displayed.

Regulation 53 inserts wording into the 2001 Regulations to clarify that where a registration officer is also the returning officer at an election, and therefore has access to the full register without being supplied with a copy of it, restrictions on supply of the register to others and on disclosure of information from it continue to apply to him in his capacity as returning officer.

Regulation 54 makes amendments following the replacement by section 37 of the 2006 Act of the declaration of identity with a postal voting statement. References throughout the 2001 Regulations to declaration of identity, and associated references to a “declaration” are altered to refer, as appropriate, to “postal voting statement” or “statement”.

Regulation 55 provides for new forms of postal voting statement to be used at parliamentary elections taken alone or in combination with certain other elections or referendums.

Regulation 56 makes transitional provision in relation to the attestation evidence that may be provided in support of an application for an anonymous entry.

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