STATUTORY INSTRUMENTS

1977 No. 111 (S. 19)

REPRESENTATION OF THE PEOPLE

The Representation of the People (Scotland) Amendment Regulations 1976

Made - - - -	10*th December* 1976
Laid before Parliament	14*th December* 1976
Coming into Operation	
Regulations 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 -	1*st February* 1977
Regulations 4, 12, 13	16*th February* 1978

In exercise of the powers conferred on me by sections 42 and 171(5) of the Representation of the People Act 1949(**a**), I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Representation of the People (Scotland) Amendment Regulations 1976 and, subject to their having been approved by resolution of each House of Parliament, regulations 4, 12 and 13 shall come into operation on 16th February, 1978 and the remaining regulations shall come into operation on 1st February 1977.

(2) These regulations shall extend to Scotland only.

2. In these regulations the expression "the principal regulations" means the Representation of the People (Scotland) Regulations 1975(**b**).

3. For regulation 13(2) of the principal regulations, there shall be substituted the following paragraphs:—

"(2A) A service declaration made by a member of the forces or the spouse of such a member which is in force on the qualifying date but received too late for inclusion of the declarant's name in the electors lists shall, if it is received by the registration officer—

(a) not later than the last day for making claims, be treated as a claim,

(b) after the said last day, be disregarded for the purpose of the register prepared from those electors lists.

(**a**) 1949 c. 68. (**b**) S.I. 1975/850 (1975 II, p. 3003).

(2B) A service declaration made by any other person with reference to a qualifying date and made during the twelve months ending with that date, but received too late for inclusion of the declarant's name in the electors lists, shall, if it is received by the registration officer—

(a) not later than the last day for making claims, be treated as a claim,

(b) after the said last day, be disregarded.".

4. In regulation 28(1)(d) of the principal regulations, after the words "in any case where the applicant is the spouse of a service voter" there shall be inserted the words "(other than the spouse of a member of the forces)".

5. In regulation 38 of the principal regulations, the following words shall be inserted at the beginning:—

"Except as provided by Rule 20(3) of the elections rules with respect to the official mark".

6. In regulation 43(1) of the principal regulations, for the words "either embossed or perforated" there shall be substituted the words "which shall perforate the ballot paper".

7. For regulation 57(3) of the principal regulations there shall be substituted the following paragraphs:—

"(3) (a) A service declaration made by a member of the forces shall be attested by a commissioned, warrant or senior non-commissioned officer who is a member of the forces or by an officer of a Government Department;

(b) A service declaration made by the spouse of a member of the forces shall be attested by a commissioned, warrant or senior non-commissioned officer who is a member of the forces or by an officer of a Government Department or by a Justice of the Peace, or by a doctor or a clergyman to whom the declarant is personally known.

(4) A service declaration made and attested in accordance with paragraph (3) above, shall be transmitted by or on behalf of the declarant to the appropriate registration officer.".

8. After regulation 63 of the principal regulations there shall be inserted the following regulation:—

"Service declaration by member of the forces and his or her spouse ceasing to be in force

63A. Where a person ceases to be a member of the forces and becomes a Crown servant or a British Council employee, his or her service declaration and that of his or her spouse shall cease to be in force.".

9.—(1) For Note 2 to Form A in the Schedule to the principal regulations there shall be substituted the following Note:—

"2. *Do not enter*—

(a) Aliens;
(b) Members of H.M. Forces;
(c) Wives or husbands of members of H.M. Forces;
(d) Crown servants employed outside the U.K.;
(e) British Council staff employed outside the U.K.;
(f) Wives or husbands of Crown servants or British Council staff employed outside the U.K. *if living abroad* to be with their husbands or wives.

Their names will be included in the register if they have made the necessary service declaration; to do this they should apply to their Service or Department or to the British Council.".

10. Form J in the Schedule to the principal regulations shall be amended as follows:—

(i) The following words in the heading to the Form shall be omitted—

"REGISTER OF ELECTORS 19

Qualifying date: 10th October 19 .

Register in force for twelve months from 16th February 19 .".

(ii) For the Notes to Part 1 of the Form, there shall be substituted the following Notes:—

"1. Read leaflet F/Vote/656 for guidance when completing this form.

2. You must complete the form clearly using BLOCK LETTERS where indicated. You must sign and date Part 1 and have it attested by a commissioned officer, warrant officer or senior non-commissioned officer, or by an officer of a United Kingdom Government Department.

3. If you want a proxy appointed to vote on your behalf, you must also complete Part 2. When stationed outside the United Kingdom, you can vote only by proxy.

4. When completed and attested this form should be sent to the electoral registration officer for the area in which the address you have given in Part 1 is situated using envelope F/Vote/37.

5. This declaration will remain in force until it is cancelled by yourself or until you cease to be a member of the regular Armed Forces.

6. If this declaration is received by the electoral registration officer by 16th December (15th December in Northern Ireland) having been completed on or before the previous 10th October (15th September for Northern Ireland) you will be entitled, provided you are of voting age and not subject to any legal incapacity to vote, to be included in the register of electors which will come into force for twelve

months from the following 16th February. You will also be entitled to be registered in the register of electors in force from 16th February in each succeeding year provided your declaration is in force on the qualifying date for that register (i.e. 10th October in Great Britain or 15th September for Northern Ireland) in the previous year.".

(iii) Note 2 of the Notes to Part 2 of the Form shall be omitted, and Note 3 shall be re-numbered Note 2.

11. Form K in the Schedule to the principal regulations shall be amended as follows:—

(i) The following words in the heading of the Form shall be omitted—

"REGISTER OF ELECTORS 19

Qualifying date: 10th October 19 .

Register in force for twelve months from 16th February 19 .".

(ii) In Part 1 of the Form, for paragraphs (3) and (4) there shall be substituted the following paragraph—

"(3) that I reside or, but for my *husband's/wife's service, would reside in the United Kingdom, and—

*Delete whichever is inapplicable

*(a) reside or, but for my *husband's/wife's service, would reside at (full postal address in block letters) .....

.....

.....

OR

*(b) (*if the declarant cannot give any such address*) have resided in the United Kingdom at (full postal address in block letters) .....

.....

....."

(iii) For the Notes to Part 1 of the Form there shall be substituted the following Notes:—

"1. Read leaflet F/Vote/656 for guidance when completing this form.

2. You must complete the form clearly using BLOCK LETTERS where indicated. You must sign and date Part 1 and have it attested by one of the following:

(a) a commissioned officer, warrant officer or senior non-commissioned officer; or

(b) an officer of a United Kingdom Government Department; or

(c) a Justice of the Peace; or

(d) a doctor or clergyman to which you are known personally.

3. If you want a proxy appointed to vote on your behalf, you must also complete Part 2. When living outside the United Kingdom, you can vote only by proxy.

4. When completed and attested this form should be sent to the electoral registration officer for the area in which the address you have given in Part 1 is situated using envelope F/Vote/37.

5. This declaration will remain in force until it is cancelled by yourself or until your husband or wife ceases to be a member of the regular Armed Forces.

6. If this declaration is received by the electoral registration officer by 16th December (15th December for Northern Ireland) having been completed on or before the previous 10th October (15th September for Northern Ireland) you will be entitled, provided you are of voting age and not subject to any legal incapacity to vote, to be included in the register of electors which will come into force for twelve months from the following 16th February. You will also be entitled to be registered in the register of electors in force from 16th February in each succeeding year provided your declaration is in force on the qualifying date for that register (i.e. 10th October in Great Britain and 15th September for Northern Ireland) in the previous year.".

(iv) Note 2 of the Notes to Part 2 of the Form shall be omitted, and Note 3 shall be re-numbered Note 2.

12. For Form N in the Schedule to the principal regulations there shall be substituted the following Form:—

"Regulation 28. FORM N: APPLICATION BY A SERVICE VOTER IN THE UNITED KINGDOM TO VOTE BY POST

REPRESENTATION OF THE PEOPLE ACTS

Surname .....
(BLOCK LETTERS)

Other names .....
(BLOCK LETTERS)

Other names of *husband/wife .....

*(a) Service (R.N., Army, R.A.F., etc.) ..... Regt./ Corps .....

Rank or Rating ..... Service Number ..... *Delete whichever is inapplicable

or

*(b) Name of Government Department in which employed .....

.....

Description of post .....

or

*(c) British Council
Description of post .....

I am registered as a service voter for

.....

(Give the qualifying address which you gave on your service declaration)

and I apply for a ballot paper for the coming parliamentary election to be sent to me at .....

.....

(Give full postal address in block letters)

Signature..... Date.....

NOTES

1. When this form is completed by the spouse of a member of the forces or of a member of a Government Department or of the British Council, the service particulars or other particulars of that member should be entered.

2. If you have changed your name since completing your service declaration, put your former name in brackets after your present name.

3. You should send this application to the electoral registration officer at the address stated on his acknowledgement of your service declaration.".

13. Form W in the Schedule to the principal regulations shall be amended as follows:—

(i) For the words "FORM W: APPLICATION BY SERVICE VOTER'S SPOUSE FOR APPOINTMENT OF PROXY" in the heading of the Form, there shall be substituted the following words:—

"FORM W: APPLICATION BY SPOUSE OF A CROWN SERVANT OR OF A PERSON EMPLOYED BY THE BRITISH COUNCIL FOR APPOINTMENT OF PROXY".

(ii) In Part 1 of the Form, paragraph (a) and the word "OR" following that paragraph shall be omitted, and the following paragraphs numbered (b) and (c) shall be re-numbered (a) and (b) respectively.

(iii) In paragraph (2) of Part 1 of the Form, the words "Form K/" shall be omitted.

(iv) In the Note to the Form, the words "Form K/" shall be omitted.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
10th December 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Representation of the People (Scotland) Regulations 1975 (S.I. 1975/850) to take account of the coming into operation on 1st February 1977 of the Representation of the People (Armed Forces) Act 1976 (c. 29), and of the remaining provisions of the Representation of the People Act 1969 (c. 15) which are not already in force.

The Representation of the People (Armed Forces) Act 1976 provides for members of the forces and their spouses to remain on the electoral register, once registered in pursuance of a service declaration, without the necessity of making a fresh declaration annually. It also provides for a wife or husband of a member of the forces to have a service qualification whether or not she or he is residing outside the United Kingdom to be with her or his spouse.

Paragraph 4 of Part II of Schedule 1 to the Representation of the People Act 1969 (the only provision of the Act not yet in operation) amends the parliamentary elections rules so as to require that the official mark used for postal ballot papers shall not be used at the same election for ballot papers issued to voters voting in person. The Scottish Local Elections Rules 1974 (S.I. 1974/82) are being similarly amended.

Regulations 5 and 6 of these Regulations amend the provisions of the 1975 Regulations relating to the issue of postal ballot papers at an election in a manner similar to paragraph 4 of Part II of Schedule 1 to the 1969 Act. Regulation 12 amends Form N (application by a service voter in the United Kingdom to vote by post) so that it is appropriate for use by all service voters. The remaining Regulations amend the Regulations of, and the forms in the Schedule to, the 1975 Regulations so as to give effect to the 1976 Act.

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