STATUTORY INSTRUMENTS

1980 No. 1133 (S.80)

REPRESENTATION OF THE PEOPLE

The Representation of the People (Scotland) Amendment Regulations 1980

Made - - - -	5*th June* 1980
Laid before Parliament	19*th June* 1980
Coming into Operation	
Regulations 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14 *and* 15	15*th August* 1980
Regulations 6, 7, 16 *and* 17	16*th February* 1981

In exercise of the powers conferred upon me by sections 42 and 171(5) of and Schedule 4 to 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 1980 and, subject to their having been approved by resolution of each House of Parliament, regulations 6, 7, 16 and 17 shall come into operation on 16th February 1981 and the remaining regulations shall come into operation on 15th August 1980.

(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. In regulation 4(2) of the principal regulations, the words "or regulation 9(*a*)" shall be omitted.

4. For regulation 6(2) of the principal regulations, there shall be substituted the following paragraph:—

"(2) Where it appears to the registration officer that a service voter has given in his service declaration an address at which he has resided but no longer resides, not being an address at which he would reside but for the circumstances entitling him to make a service declaration, he shall group the names of each such service voter in alphabetical order at the end of that part of the register which relates to that address, beneath the heading "Other electors".".

5. In regulation 10(1) of the principal regulations, in the entries relating to List B and List C, the words from "or who" to "addresses" shall be omitted in each entry.

6. After regulation 22 of the principal regulations, there shall be inserted the following regulations:—

(a) 1949 c. 68.
(b) S.I. 1975/850; the relevant amending instruments are S.I. 1977/111 and S.I. 1979/1770.

"*Claims for inclusion in the register of electors and objections thereto*

22A.—(1) A claim to be included in a register of electors, other than a claim in respect of the electors lists, shall be in Form Z and may be made by a person either on his own behalf or on behalf of another person.

(2) Where the claim is made by a person who is not entitled to be registered except in pursuance of an appropriate service declaration (as defined in section 8(2A) of the Act of 1949**(a)**) it shall be accompanied by that declaration unless the registration officer already has possession of that declaration.

(3) The registration officer shall keep a list of claims made under paragraph (1) above and shall:—

(*a*) on receipt of a claim, forthwith enter in that list the name and qualifying address of the claimant together with the date of that entry;

(*b*) at the first opportunity having regard to the provisions of paragraph (5)(*b*) below (and subject to paragraph (4) below) publish a notice stating that a new name has been added to that list, and

(*c*) record in that list against the name of any claimant the date when the notice in respect of his claim was published.

(4) Where a claim made under paragraph (1) above is received by the registration officer after the sixteenth day of December but before the sixteenth day of February in the next following year, he shall, unless it appears that the claim relates to the existing register of electors, treat the claim as one relating to the register of electors which will come into force on the next sixteenth day of February and shall not publish a notice under paragraph (3)(*b*) above in respect of such a claim until that register is published.

(5) A notice under paragraph (3) above:—

(*a*) shall be published in the way the registration officer thinks best calculated to bring it to the attention of the electors and may be published in respect of one or more claims;

(*b*) shall be published on any day between the eleventh and twentieth day of any month, or in February between the eleventh and twenty-second day:
Provided that only one notice shall be published in any month;

(*c*) shall state that any claim in respect of which the notice was published is available for inspection at the registration officer's office; and

(*d*) shall specify the manner in which any objection to the claim may be made and that any such objection must be delivered to the registration officer not later than the last day of the month in which the notice is published.

(6) An objection shall be in Form P, and may be made by any person who is included in the register of electors.

(7) Claims and objections shall be made available for inspection in the registration officer's office until the claim has been disposed of, or, in the case of an objection which has been disallowed before disposal of the claim to which it relates, until it is disallowed.

(a) Section 8(2A) was inserted by section 1(1) of the Representation of the People Act 1980 (c. 3).

Preliminary disposal of claims and objections

22B.—(1) The registration officer shall keep a separate list of objections made under regulation 22A and shall, on receipt of an objection, forthwith enter in that list the name and qualifying address of the claimant in respect of whom the objection is made.

(2) If the registration officer is of opinion—

(*a*) that the particulars given in a claim or objection are insufficient, he may ask for further information and take no further action until such information is supplied;

(*b*) that the objector is not entitled to object or that the objection was delivered after the expiry of the month in which the claims notice in respect of the claim objected to was published, he may disallow the objection and shall so inform the objector;

(*c*) that a claim relates to a register which is no longer in force, he shall disallow the claim and shall so inform the person making the claim;

(*d*) that a claim or objection cannot be allowed because—

(i) the matter has been concluded by the decision of a court, or

(ii) the particulars given in a claim or objection do not entitle the claimant or objector to succeed,

he may send to the person making the claim or objection a notice stating his opinion and the grounds thereof and that he intends to disallow the claim or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the claim or objection to be heard and, if he receives no such notice within the said time, he may disallow the claim or objection.

(3) If after the expiry of the month in which the claims notice in respect of a claim has been published the registration officer is of opinion that the claim may be allowed without a hearing, he may allow the claim provided that no objection has been duly made thereto, and shall so inform the person making the claim.

(4) Except where the registration officer allows or disallows a claim or objection under paragraph (2) or (3) above, he shall, as soon as practicable after the expiry of the month in which the claims notice in respect of a claim was published, send a notice, in the case of a claim, to the person making the claim and, in the case of an objection, to the objector and the person objected to, stating the time and place at which he proposes to hear the claim or objection; and the notice sent to a person objected to shall also state the name and address of the objector and the grounds of the objection.

(5) The time fixed for the hearing of a claim or objection shall not be earlier than the third day nor later than the fourteenth day after the date of the notice of hearing referred to in paragraph (4) above.

(6) The registration officer shall make available for inspection at his office the lists of claims and objections together with (when available) the time and place at which he proposes to hear any claim or objection.

(7) When a claim has been disposed of, the name and qualifying address of the claimant shall be deleted from the list of claims referred to in regulation 22A(3) and the list of objections referred to in regulation 22B(1):

Provided that, where an objection has been disallowed before the disposal of the claim to which it relates, the name and qualifying address of the claimant shall be deleted from the list of objections at the time when the objection is disallowed.

(8) For the purposes of this regulation:—

(*a*) the expression "claims notice" means a notice published under regulation 22A, and

(*b*) a particular claims notice is published in respect of a particular claim where the date of that notice is recorded against the name of that claimant in the list of claims kept by the registration officer in accordance with regulation 22A(3).

Hearing of claims and objections

22C. Regulation 16 shall apply for the hearing of claims to be included in a register of electors and objections thereto as it applies for the hearing of claims and objections in respect of the electors lists.".

7. In regulation 23(1) of the principal regulations:—

(*a*) for the words "section 7(2) of the Act of 1969" there shall be substituted the words "section 9(3) or (4) of the Act of 1949 (as inserted by section 2(1) of the Representation of the People Act 1980)"**(a)**; and

(*b*) in sub-paragraph (*a*), the words "made with respect to the electors lists" shall be omitted.

8. In regulation 29(1) of the principal regulations, for the words "of Part 2 of Form J, K," there shall be substituted the words "of Part 3 of Form J or K or Part 2 of Form".

9. For paragraphs (3) and (4) of regulation 57 of the principal regulations, there shall be substituted the following paragraph:—

"(3) A service declaration shall be transmitted by or on behalf of the declarant to the appropriate registration officer.".

10. In regulation 63(1)(*a*) of the principal regulations, there shall be inserted immediately before the word "attested" the words "(where required)".

11. For Form A in the Schedule to the principal regulations, there shall be substituted the form set out in Schedule 1 to these regulations.

12. In paragraph 1 of Form B in the Schedule to the principal regulations, there shall be inserted, after the word "parliamentary" in the second sentence of that paragraph, the words ", European Assembly".

13. In paragraph 1 of Form C in the Schedule to the principal regulations, there shall be inserted, after the word "parliamentary" in the second sentence of that paragraph, the words ", European Assembly".

14. For Form J in the Schedule to the principal regulations, there shall be substituted the form set out in Part I of Schedule 2 to these regulations.

15. For Form K in the Schedule to the principal regulations, there shall be substituted the form set out in Part II of Schedule 2 to these regulations.

(a) 1980 c. 3.

16. Form P in the Schedule to the principal regulations shall be amended as follows:—

(*a*) for the heading, there shall be substituted the following words, "FORM P: FORM OF OBJECTION TO INCLUSION OF AN ELECTOR";

(*b*) in the margin, after the words "regulation 14" there shall be added the words "regulation 22A";

(*c*) in the margin, for the note which reads "*Here insert extract from printed electors lists, stating name and address as given in claim." there shall be substituted the following note—

"*Here insert extract from printed electors lists or state name and address as given in claim.";

(*d*) in the margin, at the end of the note which reads "‡Here insert extract from printed electors lists." there shall be added at the end the words "or electoral register"; and

(*e*) in the Form, after the words "I am entered in the electors lists" there shall be inserted the words "or electoral register".

17. After Form Y in the Schedule to the principal regulations there shall be added the form set out in Part III of Schedule 2 to these regulations.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
5th June 1980.

SCHEDULE 1

Regulation 11

Regulation 68

FORM A: RETURN BY HOUSEHOLDER AS TO RESIDENTS

REPRESENTATION OF THE PEOPLE ACTS

REGISTER OF ELECTORS 19

Qualifying date: 10th October 19 . Register in force for twelve months from 16th February 19 .

I have to compile and publish an up-to-date Register of Electors for 19 . To do so, I need information which you, as Householder, are obliged by law to supply. Please complete this form accurately and return it to me now—there is no need to wait until the qualifying date before doing so. You should also complete the form even though you intend to move house some time after the qualifying date.

Registers of Electors are needed so that everyone who is entitled to vote at parliamentary, European Assembly or local elections may do so. A person whose name does not appear in the Register cannot vote.

The notes within tell you how to fill up the form, but if you need any further help I shall be glad to give it.

The Electoral Registration Officer.

Please complete Parts 1, 2 and 3 and sign the declaration (Part 4)

Part 1. Address

Full postal address (where applicable state street, name and number of house and postcode).....

.....

Part 2. Residents eligible to be included (see Notes 1 and 2)
If there are none, please write "None"

Surname (BLOCK LETTERS) (Enter Householder's name first, if resident)	Full Christian names or forenames (BLOCK LETTERS)	If aged 18 on or before 16th February 19 enter a √ in this column	16/17 year olds If 18th birthday is after 16th February 19 and on or before the following 15th February give date of birth (see note 1)	If a merchant seaman enter "M" (see note 1(*f*))

Part 3. Other Residents

(1) Is any part of your house or flat separately occupied by persons whose names are not entered in Part 2? State "YES" or "NO".....

(2) If "YES" give names of separate occupiers.....

.....

.....

Part 4. Declaration

I declare to the best of my knowledge and belief the particulars given above are true and accurate, that all those whose names are entered in Part 2 above are British subjects or citizens of the Irish Republic and are over 18 or will attain their 18th birthday on or before 15th February, 19 .

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

NOTES

1. You should enter every British subject (Commonwealth citizens are British subjects) or citizen of the Irish Republic who will be resident at your address on 10th October 19 and who is 18 or will become 18 while the register is in use.

You should include—

(*a*) Those who are only 16 or 17 now but who will become 18 on or before 15th February 19 ;

(*b*) Those who normally live at your address but are temporarily away, eg on holiday, as a student or in hospital (including informal patients in mental hospitals);

(*c*) Resident guests, other than short-stay visitors;

(*d*) Lodgers and resident domestics;

(*e*) Any person who is away working, unless his absence will be for more than six months;

(*f*) Merchant seamen. Enter "M" against the name of a merchant seaman. He will then be invited to appoint a proxy to vote for him, or to vote by post. A merchant seaman may be included if he would have been resident at an address (including a hostel or club for merchant seamen) but for the nature of his occupation;

(*g*) Reservists called up for service or training.

2. Do not enter—

(*a*) Members of H.M. Forces

(*b*) Wives or husbands of members of H.M. Forces *who have made a service declaration which they have not cancelled*

(*c*) Crown servants employed outside the United Kingdom

(*d*) British Council staff employed outside the United Kingdom

Wives or husbands of Crown servants or of British Council staff employed outside the United Kingdom 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 the British Council

(*f*) Aliens.

3. Electors lists can be checked at council offices, etc, from 28th November. Claims in respect of names not included in the lists should be lodged by 16th December.

SCHEDULE 2

PART I *Regulation 14*

Regulation 57

Forms for use by service voters

FORM J: SERVICE DECLARATION AND APPLICATION FOR APPOINTMENT OF PROXY BY A MEMBER OF THE FORCES

REPRESENTATION OF THE PEOPLE ACTS

HOW TO COMPLETE THIS FORM

1. Please complete all of PART 1 and the top section of PART 2 clearly in BLOCK LETTERS. Sign and date PART 1.

2. If you want a proxy appointed to vote on your behalf you must complete and sign PART 3 as well. When stationed outside the United Kingdom you can vote only by proxy.

3. When completed send the form to the electoral registration officer for the area in which the qualifying address you have given in PART 1 is situated using envelope F/Vote/37.

4. 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.

5. The declaration must be completed by, and dated on or before, 10th October (15th September for qualifying addresses in Northern Ireland) to enable the registration officer to include you in the register of electors published on 15th February of the following year. It must be received by him by 16th December (15th December in Northern Ireland). The registration officer will acknowledge the receipt of this form.

6. For further information read leaflet F/Vote 656.

FORM

PART 1

Surname (in block letters)	Other names (in block letters)

Rank/Rating	Service Number	Service (RN, Army, RAF, etc)	Regt/Corps (Army only)

Present postal address

I DECLARE THAT

1. I am a British subject or citizen of the Republic of Ireland.

2. I am over 18 or if under 18 my date of birth is

Day	Month	Year

ete 3 or 4 whichever is pplicable.

*3. I reside, or but for my service would reside, in the United Kingdom at

*4. (*If you are unable to give such an address.*) But for my service, I would reside in the United Kingdom; and have formerly resided in the United Kingdom at

(*Qualifying address for registration*).....

I HEREBY CANCEL any previous declaration made by me.

Signature of declarant..... Date.....

PART 2

Surname (in block letters)	Other names (in block letters)

Date of birth (if under 18 years of age)	Day	Month	Year

Rank/Rating	Service Number	Service (RN, Army, RAF, etc)	Regt/Corps (Army only)

TO BE COMPLETED BY ELECTORAL REGISTRATION OFFICER	TO BE COMPLETED BY THE ELECTORAL REGISTRATION INDEX
To the Electoral Registration Index for (Tick appropriate Box) RN ☐ Army ☐ RAF ☐	To the Electoral Registration Officer The above named person's declaration has ceased to be in force .....
ERO's Reference	
ERO's Address	STAMP DATE

Regulation 29

PART 3

APPOINTMENT OF PROXY

I hereby cancel any previous proxy appointment and apply for the appointment as my proxy of:

Names of first choice.....
(BLOCK LETTERS)

Full postal address.....
(BLOCK LETTERS)

.....

Relationship, if any, to me.....

OR, IF HE OR SHE IS UNABLE OR UNWILLING TO BE APPOINTED AS PROXY

Names of second choice.....
(BLOCK LETTERS)

Full postal address.....
(BLOCK LETTERS)

.....

Relationship, if any, to me.....

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

NOTES

1. Your proxy must be a British subject or a citizen of the Republic of Ireland, of voting age and not subject to any legal incapacity to vote. A proxy appointed in consequence of this application will be entitled to vote for you at all parliamentary, European Assembly and local government elections.

2. *If you are in the United Kingdom at the time of an election:* you may vote in person if you go to the polling station before your proxy, or you may apply for a postal vote in a parliamentary or European Assembly election.

3. If at any time you wish to cancel the appointment of your proxy, you should notify the electoral registration officer.

PART II *Regulation 15*

Regulation 57

FORM K: SERVICE DECLARATION AND APPLICATION FOR APPOINTMENT OF PROXY BY THE SPOUSE OF A MEMBER OF THE FORCES

REPRESENTATION OF THE PEOPLE ACTS

HOW TO COMPLETE THIS FORM

1. Please complete all of PART 1 and the top section of PART 2 clearly in BLOCK LETTERS. Sign and date PART 1.

2. If you want a proxy appointed to vote on your behalf you must complete and sign PART 3 as well. When living outside the United Kingdom you can only vote by proxy.

3. When completed send this form to the electoral registration officer for the area in which the qualifying address you have given in PART 1 is situated using envelope F/Vote/37.

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

5. The declaration must be completed by, and dated on or before, 10th October (15th September for qualifying addresses in Northern Ireland) to enable the registration officer to include you in the register of electors published on 15th February of the following year. It must be received by him by 16th December (15th December in Northern Ireland). The registration officer will acknowledge receipt of this form.

6. For further information read leaflet F/Vote 656.

FORM

PART 1

Surname (in block letters)	Other names (in block letters)

Present postal address

Other names of my spouse	Service (RN, Army, RAF, etc)	Regt/Corps (Army only)
	Rank/Rating	Service Number

I DECLARE THAT

1. I am a British subject or citizen of the Republic of Ireland.

2. I am 18, or if under 18 my date of birth is

Day	Month	Year

Note 3 or 4 whichever is applicable.

*3. I reside, or but for my spouse's service would reside, in the United Kingdom at

*4. (*If you are unable to give such an address.*) But for my spouse's service I would reside in the United Kingdom; and have formerly resided in the United Kingdom at

(*Qualifying address for registration*).....

.....

I HEREBY CANCEL any previous declaration made by me.

Signature of declarant..... Date.....

PART 2

Surname (in block letters)	Other names (in block letters)

Date of birth (if under 18 years of age)	Day	Month	Year

Details of my spouse	Forenames

Rank/Rating	Service Number	Service (RN, Army, RAF, etc)	Regt/Corps (Army only)

TO BE COMPLETED BY ELECTORAL REGISTRATION OFFICER

To the Electoral Registration Index for (Tick appropriate box)

RN ☐ Army ☐ RAF ☐

ERO's reference

ERO's address

TO BE COMPLETED BY THE ELECTORAL REGISTRATION INDEX

To the Electoral Registration Officer

The above named person's declaration has ceased to be in force

STAMP DATE

Regulation 29

PART 3

APPOINTMENT OF PROXY

I hereby cancel any previous proxy appointment and apply for the appointment as my proxy of:

Names of first choice.....
(BLOCK LETTERS)

Full postal address.....
(BLOCK LETTERS)

.....

Relationship, if any, to me.....

OR, IF HE OR SHE IS UNABLE OR UNWILLING TO BE APPOINTED AS PROXY

Names of second choice.....
(BLOCK LETTERS)

Full postal address.....
(BLOCK LETTERS)

.....

Relationship, if any, to me.....

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

NOTES

1. Your proxy must be a British subject or a citizen of the Republic of Ireland, of voting age and not subject to any legal incapacity to vote. A proxy appointed in consequence of this application will be entitled to vote for you at all parliamentary, European Assembly and local government elections.

2. *If you are in the United Kingdom at the time of an election:* you may vote in person if you go to the polling station before your proxy, or you may apply for a postal vote in a parliamentary or European Assembly election.

3. If at any time you wish to cancel the appointment of your proxy, you should notify the electoral registration officer.

PART III *Regulation 17*

Regulation 22A

FORM Z: FORM OF CLAIM TO BE INCLUDED IN REGISTER OF ELECTORS

REPRESENTATION OF THE PEOPLE ACTS

(If the form is sent to the electoral registration officer by post, postage must be prepaid.)

Qualifications for Registration.

An electoral register has effect from 16th February in one year until 15th February in the following year. In order to qualify for inclusion in a particular register, a person must have been resident at the qualifying address on 10th October in the year before the register came into effect. A service voter must have made a service declaration on or before that 10th October.

The person must be a British subject or citizen of the Republic of Ireland and must be 18 years of age or over by 15th February in the year when the register, in which that person wishes to be included, expires.

YOU MAY BE ASKED TO PRODUCE EVIDENCE TO SUPPORT ANY INFORMATION YOU GIVE BELOW

To the Electoral Registration Officer

1. Surname and title (Mr., Mrs., etc.) (BLOCK LETTERS)..... Other names (BLOCK LETTERS).....

2. Full postal address (in BLOCK LETTERS) of premises for which claimant claims to be qualified to be registered.

.....

.....

3. (*a*) Is claimant 18 years of age or over now?

(Yes or No).....

(*b*) If not, give date of birth.....

4. Give date when claimant took up residence at the above address

.....

DECLARATION

The particulars above are true and correct in all respects. The claimant is a British subject or citizen of the Republic of Ireland; and he claims to be included in the register of electors, as published.

Signature of claimant or person making claim on behalf of claimant

.....

Address of person making claim.....

.....

Date.....

NOTES

1. Where this form is delivered to the registration officer *between 16th December and 15th February and the claim is in respect of the register of electors which ceases to have effect on 15th February* this must be indicated on the claim.

2. *Members of the armed forces and others claiming in pursuance of a service declaration.* If the registration officer does not already have your service declaration, you should send it to him with this form.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Representation of the People (Scotland) Regulations 1975 ("the principal Regulations") to make provision consequential to the enactment of the Representation of the People Act 1980; to prescribe new forms for the return by householders as to residents and for service declarations; and to make various minor amendments.

Regulations 4 and 5 amend the principal Regulations so as to remove certain provisions whereby service voters may be identified as such in the register of electors or the electors lists.

Regulations 6, 16 and 17 provide a procedure for claims to be made under section 9(4) of the Representation of the People Act 1949, as inserted by section 2(1) of the Representation of the People Act 1980. Section 9(4) enables the registration officer to amend the register of electors to include the name of a person whose name was not included in the register as published but who is entitled to be registered. Regulation 6 inserts into the principal Regulations provisions prescribing the procedure in which such claims are to be made. The registration officer is required to give notice of such claims and to determine the claims and any objections duly made thereto. Regulations 16 and 17, together with Part III of Schedule 2 to the Regulations, relate to the relevant forms. Regulation 7 makes a consequential amendment to Regulation 23 of the principal Regulations.

Regulations 9 and 10 are consequential to section 1(2) of the Representation of the People Act 1980 by which members of the forces or their spouses are no longer required to have their service declarations attested.

Regulation 11 and Schedule 1 to the Regulations prescribe a new form for the return by a householder as to residents (Form A) to replace the form prescribed in the Schedule to the principal Regulations.

Regulation 14 and Part I of Schedule 2 to the Regulations prescribe a new form for the service declaration and application for the appointment of a proxy for use by a member of the forces to replace Form J in the Schedule to the principal Regulations. Regulation 15 and Part II of Schedule 2 to the Regulations prescribe a new form for use by spouses of members of the forces for the same purposes to replace Form K in the Schedule to the principal Regulations. Regulation 8 makes a consequential amendment.

Regulation 3 omits redundant words from Regulation 4(3) of the principal Regulations, and Regulations 12 and 13 add references to European Assembly elections to the notices prescribed by Forms B and C in the Schedule to the principal Regulations.