

Representation of the People (Scotland) Regulations 2001 SI 2001/497

As amended by

- *Representation of the People (Scotland) (Amendment) Regulations 2002 (SI 2002/1872)*
- *Representation of the People (Scotland) (Amendment) Regulations 2006 (SI 2006/834)*
- *Representation of the People (Scotland) (Amendment) Regulations 2007 (SI 2007/925)*

The supply of the electoral register to the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland, and its use by the Commissions is governed by regulations 92 to 95, 100, and 114 to 115 of the Representation of the People (Scotland) Regulations 2001 (SI 2001/497). Those regulations were added to SI 2001/497 by SI 2002/1872, and have subsequently been amended by SI 2006/834 and SI 2007/925.

SI 2001/497 has also been subsequently amended by various other Statutory Instruments (including SIs 2003/3075, 2004/1771, 2004/1960, 2008/305, 2008/1901, 2009/186, 2009/725 and 2010/980), but those amendments do not affect the regulations reproduced here.

In the Regulations:

“the 1983 Act” is the Representation of the People Act 1983;

“the 2000 Act” is the Political Parties, Elections and Referendums Act 2000

PART VI

SUPPLY OF REGISTER ETC

Interpretation and edited register

Interpretation of Part VI etc

92 (1) In this Part "register" includes-

(a) any part of it, and

(b) except in regulation 93 and in the context of the supply by the registration officer of the register and notices altering the register, any notice altering the register which is published under section 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act.¹

(2) In this Part-²

(a) "enactment" has the same meaning as in section 17(2) of the 2000 Act;

¹ Regulation 92(1)(b) amended by SI 2007/925

² Regulation 92(2) amended by SI 2006/834

- (b) "processor" has the meaning set out in regulation 114 below;
- (c) "relevant conditions" has the same meaning as in section 33(1) of the Data Protection Act 1998; and
- (d) "research purposes" shall be construed in accordance with section 33(1) of the Data Protection Act 1998.

(3) In this Part, any reference to an employee of any person who has access to a copy of the full register shall be deemed to include any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(4) Any restriction on the use of a copy of the full register or information contained in it which is imposed by any regulation in this Part shall apply to a person to whom a copy of the full register has been supplied or information in it has been disclosed under the equivalent regulation in the Representation of the People (England and Wales) Regulations 2001, or the Representation of the People (Northern Ireland) Regulations 2001.

(5) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply data under this Part imposes only a duty to supply data in the form in which he holds it.

(6) The registration officer shall not supply data which includes information not included in the printed version of the full register otherwise than under a provision in an enactment.

Edited version of register

93 (1) At the time when the registration officer publishes a version of the register under section 13(1) or (3) of the 1983 Act, ("the full register"), he shall publish a version of the register under this regulation ("the edited register").

(2) The edited register shall omit the names and addresses of any elector whose details are included in the full register if a request has been duly made in the form referred to in section 10(4) of the 1983 Act or in accordance with regulation 26 above by or on behalf of that elector for his name and address to be excluded from the edited register.

(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.³

(3) In other respects the edited register shall be identical to the full register (and, accordingly, shall include any mark or date which is required to be recorded against the name of any elector).

(4) Notwithstanding the omission of names and addresses in accordance with paragraph (2) above, regulation 41 above shall apply to the edited register as it applies to the full register.

³ Regulation 93(2A) inserted by SI 2007/925

(5) Unless the contrary intention appears, any reference in these Regulations to the register is to the full register.

(6) The manner in which each revised version of the edited register is to be published under this regulation is-

(a) by the registration officer making a copy of it available for inspection at his office, and

(b) by such other means (if any) as he thinks appropriate.

(7) Each revised version of the edited register shall be kept published until the coming into force of the next revised version of it.

General restrictions

Restrictions on supply of full register and disclosure of information from it by the registration officer and his staff

94 (1) This regulation applies to-

(a) the registration officer, and

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

(2) Where the registration officer is also the returning officer at any election or the counting officer at a referendum held by or under an Act of Parliament (and thereby has access to the full register without being supplied with a copy of it) this regulation also applies to-⁴

(a) the registration officer acting in that other capacity,

(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 full register, or

(b) disclose information contained in the full register (and not contained in the edited register),

otherwise than in accordance with an enactment, including these Regulations.

(4) Nothing in paragraph (3) above 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.

⁴ Regulation 94(2) amended by SI 2007/925

Restriction on use of the full register, or of information contained in it, supplied in accordance with enactments or obtained otherwise

95 (1) This regulation applies to-

- (a) any person to whom a copy of the full register has been supplied in pursuance of a relevant provision;
- (b) any person to whom information contained in the full register has been disclosed in pursuance of a relevant provision;
- (c) any person to whom a person referred to in sub-paragraph (a) or (b) has supplied a copy of the full register or information contained in it for the purposes (express or implied) of a relevant provision, and
- (d) any person who has obtained access to a copy of the full register or information contained in it by any other means.

(2) No person to whom this regulation applies may- ⁵

- (a) supply a copy of the full register,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any such information,

other than for a permitted purpose construed in accordance with paragraph (3).

(3) The “permitted purpose”- ⁶

- (a) where the copy was supplied or the information obtained in pursuance of a relevant provision, means the particular purpose for which the copy was supplied or the information disclosed to the person in question pursuant to the relevant provision;
- (b) where the copy was not supplied or the information was not disclosed in pursuance of a relevant provision-
 - (i) in the case of a person to whom the copy of the full register was made available for inspection under supervision in accordance with regulations 43(1)(a), 96(2)(a) and (3), 98(4)(a) and 108A(6)(a) and (b), does not include direct marketing within the meaning of section 11(3) of the Data Protection Act 1998; and
 - (ii) in any other case, means any purpose for which the person to whom this regulation applies could have obtained a copy of the

⁵ Regulation 95(2) substituted by SI 2006/834

⁶ Regulation 95(3) substituted by SI 2006/834

register or the information contained in it pursuant to any enactment, including these Regulations.

(4) In this regulation "relevant provision" means any enactment (except these Regulations) under which a copy of the full register is to be supplied or information from that register is to be disclosed for a particular purpose.

Supply on publication and specific restrictions

[Regulations 96 (supply to National Library of Scotland and British Library), 97 (supply to returning officer for a council), 97A (supply for elections to National Park authorities), 98 (supply to Statistics Board and General Register Office for Scotland) and 99 (supply to Electoral Commission) are not reproduced here.]

Supply of free copy of full register etc to certain Commissions and restrictions on use

100 (1) Each registration officer shall supply, free of charge and on publication, one copy of each of the documents listed in paragraph (2) below to the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland.

(2) Those documents are –

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3), (3B) or (3D)⁷ of that Act, and
- (c) any list of overseas electors.

(3) In paragraph (1) above the duty to supply is a duty to supply in data form unless, prior to publication, the Commission to whom it is to be supplied has requested in writing a printed copy instead.

(4) In paragraph (5) below "a relevant person" means. In relation to each of the Commissions referred to in paragraph (1) above –

- (a) a member of the Commission in question;
- (b) a person appointed to assist the Commission in question to carry out its functions and
- (c) a person employed by the Commission in question.

(5) A relevant person may not –

- (a) supply a copy of the full version of the register, except to another relevant person;

⁷ Regulation 100(2)(b) amended by SI 2007/925

(b) disclose any information contained in it (that is not contained in the edited register), except by publishing information about electors which does not include the name and address of any elector, or

(c) process or make use of any such information, except in connection with his statutory functions.

Supply on request and specific restrictions

[Regulations 101 to 108 not reproduced here.]

Sale of edited and full registers and specified restrictions

[Regulations 109 to 113 not reproduced here.]

Supply of register to processor

114 (1) In this Part, "processor" means a person who provides a service which consists of putting information into data form and any reference to a processor includes a reference to his employees.

(2) A person who has obtained or is entitled to obtain a copy of the full register under regulation 98, 100, 101, 103, 105, 106, 109, 112 or 113 may- ⁸

(a) supply a copy of the full register to a processor for the purpose of processing the information contained in the register,

(b) request a processor to process and provide to him any copy of the register which the processor has obtained under these Regulations,

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

(3) ⁹

(4) A processor may not disclose the full register or the information contained in it except to the person who supplied it to the processor or any other person, or an employee of such a person, who is entitled to obtain a copy of the full register under these Regulations.

Offences

Offences in respect of contravention of Parts III, IV and VI ¹⁰

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.

⁸ Regulation 114(2) amended by SI 2006/834

⁹ Regulation 114(3) deleted by SI 2007/925

¹⁰ Regulation 115 replaced by SI 2007/925

(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)(a).

(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.