



Scottish Elections (Reduction of Voting Age) Act 2015

2015 asp 7

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 18th June 2015 and received Royal Assent on 24th July 2015

An Act of the Scottish Parliament to reduce the voting age to 16 at elections for membership of the Scottish Parliament and local government elections; and for connected purposes.

Reduction of voting age

1 Scottish elections: reduction of voting age to 16

- (1) In section 2 of the Representation of the People Act 1983 (“the 1983 Act”) (local government electors)—
 - (a) in subsection (1)(d), after “over” insert “ , except in Scotland (see subsection (1A)) ”,
 - (b) after subsection (1) insert—

“(1A) In Scotland, voting age is 16 years or over.”.
- (2) The amendments made by subsection (1) have effect for the purposes of—
 - (a) an election for membership of the Scottish Parliament (by virtue of section 11 of the Scotland Act 1998) at which the poll is to be held on or after 5 April 2016,
 - (b) a local government election at which the poll is to be held on or after 5 May 2016,
 - (c) any other relevant election at which the poll is to be held on or after 5 May 2016.
- (3) In subsection (2)(c), “other relevant election” means an election (other than one mentioned in subsection (2)(a) or (b)) to which section 2 of the 1983 Act applies for the purpose of determining entitlement to vote at the election.

*Registration of electors***2 Annual canvass**

- (1) In section 9A of the 1983 Act (registration officers: duty to take necessary steps), after subsection (2) insert—

“(2A) In relation to the registration of local government electors in Scotland, subsections (1) and (2)(b) do not require a registration officer to make house to house inquiries in relation to any person under the age of 16.”.

- (2) In regulation 32ZA of the Representation of the People (Scotland) Regulations 2001 (“the 2001 Regulations”) (canvass form)—

- (a) after paragraph (3) insert—

“(3A) In relation to the registration of local government electors, the canvass form in paragraph (2) must also—

- (a) require the full name and nationality of each person aged 14 or 15 who is eligible to register and is residing at the address to which the form is given, and
- (b) in relation to any such person named in the form, require the person's date of birth to be included.”.

- (b) after paragraph (5) insert—

“(5A) In relation to the registration of local government electors, the registration officer must not, under paragraph (5), print on the form the date of birth of any person aged under 16.”.

3 Invitations to register

- (1) In section 9E of the 1983 Act (maintenance of registers: invitations to register in Great Britain), after subsection (7) insert—

“(7A) In relation to the registration of local government electors in Scotland, subsection (7) does not apply to a person who was under the age of 16 at the time the requirement was imposed.”.

- (2) In regulation 32ZC of the 2001 Regulations (invitations to apply for registration), after paragraph (2) insert—

“(2A) In relation to the registration of local government electors, where the person to be invited is under the age of 16, the invitation in paragraph (1) must also include an explanation of how the person's information will be held and used.”.

- (3) In regulation 32ZD of the 2001 Regulations (steps to be taken by a registration officer to encourage a person to make an application for registration in response to an invitation to do so), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors, paragraph (3) does not require a registration officer to make, or have made, any visits in the case where the invitations were given to a person under the age of 16.”.

- (4) In regulation 32ZE of the 2001 Regulations (requiring a person to make an application for registration), after paragraph (3) insert—

Changes to legislation: There are currently no known outstanding effects for the Scottish Elections (Reduction of Voting Age) Act 2015. (See end of Document for details)

“(3A) In relation to the registration of local government electors, the following provisions of this regulation do not apply in the case of a person who is under the age of 16—

- (a) paragraphs (2)(b)(iii) and (3)(b) and (c),
- (b) paragraph (3)(f), so far as requiring a notice to state that the person may make representations about why a civil penalty should not be imposed.”.

4 Invitations to register: further provision for persons aged under 16

- (1) In relation to the registration of local government electors, the Scottish Ministers may by regulations make provision about invitations to be given under section 9E(1) of the 1983 Act (invitations to apply for registration) to persons under the age of 16.
- (2) Regulations under subsection (1) may, in particular, include provision—
 - (a) about the form and contents of invitations,
 - (b) about the giving of invitations (for example, about the manner in which they must be given or how often they must be given),
 - (c) requiring invitations to be accompanied by, or combined with, application forms or other documents (including partially completed application forms).
- (3) Regulations under subsection (1) may confer functions on the Electoral Commission (for example, the Commission may be required to design an invitation).
- (4) Regulations under subsection (1) may—
 - (a) make incidental, supplemental, consequential, transitional, transitory or saving provision,
 - (b) modify any enactment.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult the Electoral Commission.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.

5 Applications for registration

- (1) The 2001 Regulations are amended in accordance with this section.
- (2) In regulation 26 (applications for registration)—
 - (a) after paragraph (1) insert—

“(1A) In relation to the registration of local government electors, where the applicant is not able to provide the applicant's date of birth, the statement referred to in paragraph (1)(e) must indicate whether the applicant is—

 - (a) under the age of 16,
 - (b) aged 16 or 17, or
 - (c) aged 18 or older.”,
 - (b) in paragraph (3), after “(1)” insert “, (1A) ”,
 - (c) after paragraph (3) insert—

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“(3A) In relation to the registration of local government electors, the paper application form under paragraph (3) must also include an explanation of how information about applicants under the age of 16 will be held and used.”,

(d) after paragraph (9) insert—

“(9A) In relation to the registration of local government electors, paragraphs (1)(f) and (8)(a) do not apply in the case where the applicant is under the age of 16.”.

(3) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), after paragraph (6) insert—

“(6A) In relation to the registration of local government electors, paragraphs (2) to (6) do not apply in the case where the applicant is under the age of 16 if—

- (a) there is information available to the registration officer from any educational record relating to the applicant, and
- (b) that information is sufficient to satisfy the registration officer as to the applicant's identity and entitlement to be registered.”.

(4) In regulation 28 (inspection of applications and objections), after paragraph (2) insert—

“(3) In relation to the registration of local government electors, this regulation does not apply to an application made by a person under the age of 16.”.

(5) In regulation 29ZA (verification of information provided in an application), after paragraph (6) insert—

“(6A) In relation to the registration of local government electors, this regulation does not apply to an application made by a person under the age of 16.”.

6 Review of entitlement to registration

(1) The 2001 Regulations are amended in accordance with this section.

(2) In regulation 31D (procedure for reviewing entitlement to registration), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors, paragraph (2)(b) does not apply where the subject of the review is under the age of 16.”.

(3) In regulation 31E (list of reviews), after paragraph (4) insert—

“(5) In relation to the registration of local government electors, this regulation does not apply to any review where the subject of the review is under the age of 16.”.

7 Anonymous registration

In regulation 31J of the 2001 Regulations (anonymous registration: evidence by attestation), after paragraph (4) insert—

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“(5) In relation to the registration of local government electors, where the applicant is under the age of 16 on the date on which the application is made—

- (a) “qualifying officer” also includes a person authorised in writing for the purposes of this regulation by an officer referred to in paragraph (4)(f), and
- (b) where the attestation is signed by a person so authorised, the attestation must be accompanied by a copy of the person's authorisation.”.

8 Declarations of local connection

(1) Section 7B of the 1983 Act (notional residence: declarations of local connection) is amended in accordance with this section.

(2) After subsection (2) insert—

“(2A) In relation to the registration of local government electors in Scotland, this section also applies to a person who, on the date on which the person makes a declaration under subsection (1)—

- (a) is under the age of 16,
- (b) does not fall within any of paragraphs (a) to (c) of subsection (2), and
- (c) meets either of the requirements specified in subsection (2B).

(2B) The requirements are that—

- (a) the person is, or has been, a child looked after by a local authority, or
- (b) the person is being kept in secure accommodation.

(2C) For the purposes of subsection (2B)—

- (a) the reference to a child looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children), and
- (b) “secure accommodation” means accommodation provided, for the purpose of restricting the liberty of children, in an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) that—
 - (i) provides residential accommodation for children for the purposes of the Children's Hearings (Scotland) Act 2011, the Children (Scotland) Act 1995 or the Social Work (Scotland) Act 1968, and
 - (ii) is approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010 (regulations in relation to care services).”.

(3) In subsection (4), after paragraph (b) insert—

- “(c) in the case of a person falling within subsection (2A), any address in Scotland at which the person has previously been resident.”.

(4) After subsection (7) insert—

“(7A) Despite anything in subsection (7), in relation to Scotland, a relevant declaration made by a person has effect only for the purposes of the person's registration as a local government elector.