

SCHEDULES

SCHEDULE 1

Section 8.

REGISTRATION: AMENDMENTS OF 1983 ACT

Introductory

1 The 1983 Act is amended as follows.

Residence

2 In section 6 (residence: merchant seamen), for “sections 1 and 2 above” substitute “section 4 above”.

Registers of electors

3 For section 9 substitute—

“9 Registers of electors

- (1) Each registration officer shall maintain—
 - (a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and
 - (b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.
- (2) Each register shall contain—
 - (a) the names of the persons appearing to the registration officer to be entitled to be registered in it (subject to their complying with any prescribed requirements);
 - (b) (subject to any prescribed exceptions) the qualifying addresses of the persons registered in it; and
 - (c) in relation to each such person, that person’s electoral number.
- (3) A person’s electoral number is such number (with or without any letters) as is for the time being allocated by the registration officer to that person as his electoral number for the purposes of the register in question.
- (4) Electoral numbers shall be allocated by a registration officer in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively.
- (5) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the names of persons registered only as parliamentary electors or local government electors being marked to indicate that fact.

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- (6) A registration officer's duty under subsection (1) above includes the duty to take reasonable steps to obtain information required by him in connection with the performance of his duty under that subsection (without prejudice to any specific requirement of this Act or regulations under it).
- (7) Where under this section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency any reference in this Act (whether express or implied) to the register of parliamentary electors for a constituency shall be read—
 - (a) as a reference to one of those registers, or
 - (b) in relation to one of those registration officers, as the register maintained by him,
 as the context may require.
- (8) In this Act—
 - (a) any reference, in relation to a registration officer, to "his" registers is a reference to the registers maintained by him under this section; and
 - (b) "qualifying address", in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered."

Maintenance of registers

4 For section 10 substitute—

"10 Maintenance of registers: annual canvass

- (1) Each registration officer shall conduct an annual canvass in relation to the area for which he acts for the purpose of ascertaining the persons who are for the time being entitled to be, or to remain, registered in his registers.
- (2) The canvass for any year shall be conducted by reference to residence on 15th October in that year.
- (3) A canvass shall not, however, be concerned with—
 - (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3 above) or mental hospitals (within the meaning of section 7 above) or other places at which persons to whom section 7A above applies may be detained; or
 - (b) the registration of persons in pursuance of—
 - (i) declarations of local connection,
 - (ii) service declarations, or
 - (iii) overseas electors' declarations.
- (4) The form to be used for the purposes of a canvass shall be either a form prescribed for those purposes or a form to the same effect.
- (5) In connection with a canvass a registration officer may, for the purpose of—
 - (a) supplementing the information obtained by the use of any such form,
 or

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- (b) where any such form has not been returned, obtaining any information designed to be obtained by the use of the form, make such house to house inquiries as he thinks fit.
- (6) On the conclusion of a canvass a registration officer shall make such alterations in his registers as fall to be made in accordance with section 10A below as a result of the canvass.
- (7) In this section “residence” means residence for the purposes of section 4 above.

10A Maintenance of the registers: registration of electors

- (1) A registration officer shall determine all applications for registration which are—
 - (a) made to him in accordance with the prescribed requirements, or
 - (b) treated as made to him by virtue of subsection (2) below.
- (2) Where—
 - (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies any person as a person who is entitled to be registered in a register, and
 - (b) that person is not for the time being registered in the register in respect of that address,he shall be treated as having made, on the 15th October in the year in question, an application for registration in the register in respect of that address.
- (3) A registration officer shall also determine all objections to a person’s registration made in accordance with the prescribed requirements by another person whose name appears in the register in question.
- (4) Subsections (1) and (3) above apply to applications and objections asking—
 - (a) for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to registration, or
 - (b) for the alteration of the qualifying address in respect of which a person is registered,as they apply to applications for registration and objections to a person’s registration respectively.
- (5) Where the name of a person (“the elector”) is duly entered in a register in respect of any address, the elector is entitled to remain registered in the register in respect of that address until such time as the registration officer concerned—
 - (a) determines, on the conclusion of a canvass under section 10 above, that the elector was not resident at that address on the 15th October in question, or that because—
 - (i) the form mentioned in section 10(4) above was not returned in respect of that address, or
 - (ii) for any other reason, insufficient information was obtained as to whether the elector was resident at that address on that date,

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the registration officer is unable to satisfy himself that the elector was then so resident at that address, or

- (b) determines, in any prescribed circumstances, that the elector has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.
- (6) Where the entitlement of a person to remain registered in a register in respect of any address terminates by virtue of subsection (5) above, the registration officer concerned shall remove that person’s entry from the register once the officer has satisfied any prescribed requirements applying in relation to the removal of that entry.
- (7) Subsection (6) above does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances; and regulations may, in particular, authorise a registration officer to retain entries in his registers for the prescribed period if he thinks fit in cases where the form mentioned in section 10(4) above has not been returned in respect of any address.
- (8) Nothing in subsection (5) or (6) applies in relation to the registration of persons in pursuance of—
- (a) applications for registration made by virtue of section 7(2) or 7A(2) above; or
 - (b) declarations falling within section 10(3)(b) above.
- (9) In this section—
- “determines” means determines in accordance with regulations;
 - “resident” means resident for the purposes of section 4 above.”

5

Omit—

- (a) section 11 (correction of registers), and
- (b) section 12(1), (2) and (5) (right to be registered).

Publication of registers

6

For section 13 substitute—

“13 Publication of registers

- (1) Following the conclusion of the canvass conducted by a registration officer for any year under section 10 above, the officer shall publish a revised version of both of his registers—
 - (a) by 1st December in that year; or
 - (b) by such later date as regulations may prescribe.
- (2) The revised versions of the registers shall incorporate—
 - (a) all the alterations which are required to be made in them as mentioned in section 10(6) above; and
 - (b) any alterations which are required to be made by virtue of section 13A(3) below.
- (3) A registration officer may in addition, if he thinks fit, publish a revised version of either of his registers at any time between—

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- (a) the time when the register was last published in accordance with subsection (1) above, and
 - (b) the time when it is due to be next so published;
- and a registration officer proposing to publish a revised version of a register in accordance with this subsection must publish notice of his intention to do so by such time and in such manner as may be prescribed.
- (4) When revising a register for publication under this section the registration officer shall make such changes affecting the electoral numbers of persons registered in the register as he considers necessary in order to comply with section 9(4) above.
 - (5) Where a revised version of a register is published at any time under this section, the register has effect in the form in which it is so published as from that time until the time when—
 - (a) a revised version is next so published, or
 - (b) if earlier, any alteration to the register takes effect under section 13A or 13B below.
 - (6) Any reference in this section or section 13A below to the publication of a revised version of the register is to its publication in accordance with regulations made in pursuance of paragraphs 10A and 10B(1)(a) of Schedule 2 to this Act.

13A Alteration of registers

- (1) This section applies where, at any time (“the relevant time”) after the publication of a revised version of a register by a registration officer under section 13 above, the registration officer—
 - (a) on an application for registration being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be so registered;
 - (b) is required, by virtue of any provision of this Part of this Act, to remove a person’s entry from the register;
 - (c) is notified of any decision on an appeal by virtue of section 56 below which requires any such alteration in the register as is mentioned in subsection (4) of that section; or
 - (d) determines that the register contains any clerical error.
- (2) In such a case the registration officer shall (subject to subsection (3) below) issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—
 - (a) the notice shall be so issued by him—
 - (i) on the first day of the month which follows that in which the relevant time falls, or
 - (ii) if that day is less than 14 days after that time, on the first day of the month immediately following that month; and
 - (b) (subject to section 13B(1) below) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.

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- (3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—
- (a) at the beginning of the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) or (3) above, or
 - (b) at the beginning of either of the two months preceding that containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) above,
- and in such a case the alteration in question shall be made in that revised version of the register.
- (4) Subsection (2) above also does not require a registration officer to issue a notice under that subsection in a case where section 13B(3) below requires him to issue a notice under that provision.
- (5) No alteration affecting a published version of a register of electors shall be made otherwise than in accordance with this section and section 13B below.
- (6) For the purposes of subsection (1) above “determines” means determines in accordance with regulations; and section 119 below shall apply for the purposes of subsection (2)(a) above as if it were contained in Part II of this Act.

13B Alteration of registers: pending elections

- (1) An alteration in a published version of a register of electors which takes effect under section 13A(2) above after the final nomination day in the case of an election to which this section applies shall not have effect for the purposes of that election unless the alteration—
- (a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d) above; and
 - (b) takes effect on or before the fifth day before the date of the poll.
- (2) Subsection (3) below applies where—
- (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a decision or determination—
 - (i) falling within subsection (1)(c) or (d) of that section, and
 - (ii) in consequence of which a person’s name falls to be entered in (or removed from) the register in respect of an address in the relevant election area; and
 - (b) no alteration made in consequence of that decision or determination—
 - (i) has already taken effect, or
 - (ii) is due to take effect,
 under subsection (2) of that section on or before the fifth day before the date of the poll.
- (3) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

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- (a) the notice shall be so issued by him on the appropriate publication date; and
 - (b) the alteration shall take effect as from the beginning of that day.
- (4) This section applies to the following elections—
- (a) parliamentary elections,
 - (b) elections to the European Parliament,
 - (c) elections to the Scottish Parliament,
 - (d) elections to the National Assembly for Wales,
 - (e) elections to the Northern Ireland Assembly, and
 - (f) local government elections in England, Wales or Scotland.
- (5) In this section—
- “the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;
- “the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;
- “the relevant election area”, in relation to a registration officer and such an election, means—
- (a) the area for which the registration officer acts, or
 - (b) if the election is held in only part of that area, the part of that area in question.
- (6) Section 119 below shall apply for the purposes of this section as if—
- (a) it were contained in Part II of this Act; and
 - (b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.”

Service declarations

7 In section 14 (service qualification), in subsection (2), for “section 1(2) above” substitute “section 4(2) above”.

8 (1) Section 15 (service declaration) is amended as follows.

(2) For subsections (2) to (4) substitute—

“(2) Where a person is registered in a register of electors in pursuance of a service declaration, the person is entitled to remain so registered until—

- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- (b) the declaration is cancelled under subsection (7) below, or
- (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a service declaration),

whichever first occurs.

(3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall

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remove that person’s entry from the register, unless he is entitled to remain registered in pursuance of a further service declaration.”

- (3) In subsection (7) (cancellation of declarations), omit the words from “and (subject” onwards.
- (4) After that subsection add—
- “(8) A service declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.”
- 9 In section 16, omit the following—
- (a) in paragraph (b), the words from “where” to “such a member,”;
- (b) paragraph (c); and
- (c) in paragraph (d), the words “will be or”.
- 10 In section 17 (effect of service declaration), for subsection (1) substitute—
- “(1) Where a person’s service declaration is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
- (a) resident on the date of the declaration at the address specified in it in accordance with section 16(d) above;
- (b) for the purposes of registration in Northern Ireland as resident in Northern Ireland during the whole of the period of three months ending with that date; and
- (c) until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.”

Polling districts

- 11 In section 18 (polling districts and places for parliamentary elections), for subsection (8) substitute—
- “(8) Where any alteration of polling districts in an area is made under this section—
- (a) the registration officer who acts for the area shall make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration; and
- (b) the alteration shall be effective on the date on which the registration officer publishes a notice stating that any such adaptations have been made by him.”

Effect of registers

- 12 (1) Section 49 (effect of registers) is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) In subsection (5), for “the qualifying date”, wherever occurring, substitute “the relevant date”.
- (4) After subsection (5) insert—

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“(6) In subsection (5) above “the relevant date” means—

- (a) in relation to a person registered in the register in question as published in accordance with section 13(1) above, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register in question, the relevant date for the purposes of section 4 above.”

Regulations about registration

13 In section 53(1) (regulations about registration)—

- (a) in paragraph (a), omit “the electors lists or”; and
- (b) for paragraph (b) substitute—

“(b) with respect to—

- (i) the procedure to be followed in the preparation of the register and the place and manner of its publication, and
- (ii) the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication; and”.

Registration appeals: England and Wales

14 (1) Section 56 (registration appeals: England and Wales) is amended as follows.

(2) In subsection (1) (decisions against which appeals lie)—

- (a) in paragraph (a), for “claim” substitute “application”; and
- (b) omit paragraph (d).

(3) In subsection (4) (compliance by registration officer with decision on appeal)—

- (a) after “the registration officer shall” insert “, in accordance with sections 13A and 13B above,”; and
- (b) omit “electors lists or”.

(4) In subsection (4A) (effect of alterations in register), for “is made under subsection (4) above” substitute “made in pursuance of subsection (4) above takes effect under section 13(5), 13A(2) or 13B(3) above”.

Registration appeals: Northern Ireland

15 For section 58 substitute—

“58 Registration appeals: Northern Ireland

- (1) Section 56 above, except subsection (2) and the words from the beginning to “and” in subsection (4), extends to Northern Ireland.
- (2) Section 21(1) of the Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) shall have effect as if the jurisdiction conferred by section 56(1) above were conferred by an enactment within the meaning of that Act.”

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Service voters

- 16 In section 59(2) (supplemental provisions as to members of forces and service voters)—
- (a) for “qualifying date” substitute “relevant date for the purposes of section 4 above”; and
 - (b) for “5(2)” substitute “5(3)”.

Offences

- 17 In section 62 (offences as to declarations), for subsection (1) substitute—
- “(1) A person who—
- (a) makes a declaration of local connection or a service declaration—
 - (i) when he is not authorised to do so by section 7B(1) or section 15(1) above, or
 - (ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or
 - (iii) when he knows that it contains a statement which is false, or
 - (b) attests a service declaration when he knows—
 - (i) that he is not authorised to do so, or
 - (ii) that it contains a false statement as to any particulars required by regulations under section 16 above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Election expenses

- 18 (1) Section 76 (limitation of election expenses) is amended as follows.
- (2) In subsection (2) (maximum amounts calculated by reference to register to be used at election as first published), omit “to be used at the election (as first published)”, wherever occurring.
- (3) For subsection (4) substitute—
- “(4) In subsection (2) above “the register of electors” means the register of parliamentary electors, or (as the case may be) local government electors, for the constituency or electoral area in question as it has effect on the last day for publication of notice of the election.”

Election addresses

- 19 In section 91 (candidate’s right to send election address post-free), for subsection (4) substitute—
- “(4) For the purposes of this section “elector”—
- (a) means a person who is registered in the register of parliamentary electors for the constituency on the last day for publication of notice of the election; and
 - (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.”

Evidence of registration

20 After section 180 insert—

“180A Evidence by certificate of electoral registration

The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in one of the officer’s registers in respect of any address shall be sufficient evidence of the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.”

Regulations under the Act

21 In section 201 (regulations), after subsection (2) add—

“(3) Any regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.”

Interpretation

22 In section 202(1) (general interpretation)—

(a) for the definition of “dwelling house” substitute—

““dwelling” includes any part of a building where that part is occupied separately as a dwelling;” and

(b) at the appropriate place insert—

““qualifying address” shall be construed in accordance with section 9(8) above;”.

Parliamentary elections rules

23 (1) Schedule 1 (parliamentary elections rules) is amended as follows.

(2) In rule 7 (subscription of nomination paper), for paragraph (6) substitute—

“(6) In this rule “elector”—

(a) means a person who is registered in the register of parliamentary electors for the constituency on the last day for publication of notice of the election; and

(b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.”

(3) In the Appendix of Forms, in the form of nomination paper—

(a) omit note 3, and

(b) in note 5, omit “or electors lists”.

Content of regulations as to registration

24 (1) Schedule 2 (provisions which may be contained in regulations as to registration) is amended as follows.

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- (2) At the end of paragraph 1(2) (requiring of information by registration officer for purposes of registration duties) add “or to make declarations of any prescribed description as to matters relevant to their entitlement to be registered.”
- (3) After paragraph 1(2) insert—
- “(3) Provisions authorising a registration officer, where—
- (a) he has so required any person registered in one of his registers to give him information, or to make any declaration, for the purpose of enabling him to determine whether the person is entitled to be so registered, and
- (b) the person has not within the prescribed period complied with that requirement in a manner which the officer considers satisfactory (or at all),
- to remove the person’s name from the register.
- (4) Provisions authorising a registration officer to inspect, for the purpose of his registration duties, records kept (in whatever form) by—
- (a) any local or public authority of any prescribed description, or
- (b) any person providing services to, or authorised to exercise any function of, any such authority,
- and to make copies of information contained in such records.
- (5) Provisions made under sub-paragraph (4) above shall have effect despite any statutory or other restriction on the disclosure of information.”
- (4) In paragraph 2A (registration officer to remind overseas elector of need to make fresh declaration), for the words from “overseas” onwards substitute “declarations or applications of any prescribed description of the need to make fresh declarations or applications in order for them to remain registered.”
- (5) After paragraph 3 insert—
- “3A Provisions as to the form and contents of applications for registration, including provisions as to any declarations to be made in connection with them.”
- (6) In paragraph 6 (cases where claims and objections can be determined without a hearing), for “a claim” substitute “an application”.
- (7) In paragraph 8 (special lists of those whose addresses are not required to be shown on electors lists), for “on the electors lists” substitute “in the register”.