

ELECTORAL REGISTRATION AND ADMINISTRATION ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 Individual Electoral Registration in Great Britain

Section 1: Individual registration

15. *Subsection (1)* inserts a new section into the Representation of the People Act 1983 (“the 1983 Act”) which specifies when a registration officer must enter a person in an electoral register under the new system of individual electoral registration in Great Britain. An application must have been made which meets the prescribed requirements, it must appear to the registration officer that the person is entitled to be registered and that the application is made by that person. It must therefore appear to the registration officer that an applicant is who they claim to be and that such a person exists. Regulations may be made to provide further detail as to the procedure for determining applications.
16. *Subsection (2)* gives effect to Schedule 1. Schedule 1 contains new sections in the 1983 Act dealing with the new arrangements for amendments to registrations and removals of entries from registers in consequence of the new registration system in Great Britain.
17. *Subsection (3) and (4)* stipulate that registration officers must have regard to any guidance given by the Minister (the Lord President of the Council or the Secretary of State) about determining applications to register, and that this guidance may cover the process for determining whether the conditions outlined in *subsection (1)* have been met.
18. *Subsection (5)* provides that the requirement for registration officers to have regard to guidance about determining applications to register will cease 5 years after coming into force. This provision is included because after five years the new registration system, and the process for determining applications, is likely to have reached a steady state and guidance will no longer be necessary.

Section 2: Verification of entitlement etc

19. *Section 2* amends Schedule 2 to the 1983 Act to enable the Minister to make regulations which will enable a system to be established for the verification of the eligibility of applicants and registered electors in Great Britain, and verification that applicants are the person they claim to be.
20. *Subsection (2)* inserts new sub-paragraphs in Schedule 2 which require secondary legislation authorising or requiring registration officers to require an applicant or a registered elector to provide evidence of eligibility and evidence that an applicant is the person named in the application to specify the type of evidence to be provided.

21. *Subsection (3)* inserts a new paragraph in Schedule 2 to enable secondary legislation to specify the form and contents of applications and declarations, and to require a person applying to register to vote to provide evidence that he or she is the person named in the application and that he or she is entitled to be registered. The required evidence must be specified in regulations, and such evidence may for example include a person's date of birth and national insurance number. *Subsection (3)* also enables secondary legislation to confer functions on registration officers and local or public authorities to enable voter applications to be made in a particular manner. Other functions may be conferred on registration officers and functions may also be conferred on the Electoral Commission.
22. *Subsection (4)* inserts a new paragraph in Schedule 2 to permit or require registration officers to accept a person's statement of a fact without further evidence of it.

Section 3: Proxies to be registered electors

23. *Section 3* amends Schedule 4 to the Representation of the People Act 2000 by substituting new requirements concerning eligibility for appointment as a proxy so that a person must themselves be registered if they are to vote on behalf of an elector at either local government or Parliamentary elections in Great Britain. Currently the requirement is, broadly, that the person to be appointed as a proxy must be eligible to register to vote. The new provision has the effect of applying the verification requirements of a system of individual electoral registration (whether the new system in Great Britain or the existing system in Northern Ireland) to a proxy who votes on behalf of an elector as well as to the elector.

Section 4: Annual canvass

24. *Section 4* inserts a new section 9D into the 1983 Act which restates the requirement for registration officers to carry out an annual canvass in Great Britain, but with some changes from the current requirement.
25. The canvass is to be conducted in a manner set out in regulations, which may confer specific functions on the Electoral Commission (such as designing the canvass form). The canvass no longer has a reference date of 15 October.
26. *Subsection (5)* of the new section states that, as at present, a registration officer may make use of house to house inquiries to support the annual canvass. This includes obtaining information before sending a canvass form.
27. *Subsection (6)* of the new section states that, as at present, the canvass requirement does not apply to the registration of people to whom a special registration system applies (including those on remand in prison, patients in mental hospitals, those without a fixed address, service personnel, British citizens resident overseas and those registered anonymously for their safety).

Section 5: Invitations to register

28. *Section 5* inserts a new section into the 1983 Act which requires registration officers in Great Britain to give invitations to register to unregistered persons of whom they are aware (whether identified through the annual canvass or by any other means). This is supported by a power to make regulations about such invitations including how often they must be sent, the form and content of the invitations sent, what documents must be sent, and a provision to require invitations to be accompanied by other documents including application forms. The regulations may confer functions on the Electoral Commission. The new section also provides that registration officers may, after sending an invitation, subsequently require the person to make an application for registration by a specified date. It enables regulations to make provision about the requirement to make an application and specify steps that a registration officer must take before imposing a requirement. The new section provides that a registration officer may impose a civil

penalty on a person who fails to comply with a requirement to make an application by a specified date.

29. *Subsection (2)* introduces Schedule 3, which inserts a new Schedule ZA1 into the 1983 Act, which makes further provision about such civil penalties.

Section 6: Amendment of Parliamentary Constituencies Act 1986

30. *Section 6* amends the Parliamentary Constituencies (PC) Act 1986. Under the Act the four Boundary Commissions have the function of recommending the boundaries of UK Parliamentary constituencies. *Section 6* requires them to submit their reports in the first review of boundaries to be conducted under changes made by the Parliamentary Voting System and Constituencies (PVSC) Act 2011 between 1 and 30 September 2018, instead of before 1 October 2013 as currently specified by the PC Act.
31. This change of date necessitates other changes to the PVSC Act which are made by *section 6*. The Boundary Commissions' discretion to consider inconveniences attendant on boundary changes as a factor when drawing up proposals is to continue to apply only after the first review, but the date of that review in section 11 of the PVSC Act is changed from 2013 to 2018. *Section 6* also postpones the review into the effects of the reduction in the number of constituencies provided for under section 14 of the PVSC Act to take place after the 2020 general election and not the 2015 election.

Section 7: Power to amend or abolish the annual canvass

32. *Subsections (1) and (2)* give a power for the Minister (the Lord President of the Council or Secretary of State) to make an order to put in place alternative arrangements to assist registration officers in Great Britain to find out the names and addresses of people who are entitled to be registered but are not registered, or who are registered but are not entitled, and a power to abolish or amend the annual canvass in Great Britain required under section 9D of the 1983 Act (inserted by section 4).
33. *Subsection (3)* allows the Minister to reinstate the annual canvass if it has been abolished under *subsection (2)*.
34. *Subsection (4)* enables an order under subsection (1) or (2) to include offences, subject to specified maximum fines.
35. *Subsection (5)* enables an order to include a power to make further subordinate legislation, and provides for any such further subordinate legislation to be subject to the affirmative resolution procedure in Parliament.

Section 8: Consulting Electoral Commission about proposals under section 7

36. *Subsection (1)* requires the Electoral Commission to prepare a report if the Minister consults it about a proposal to amend, abolish or reinstate the annual canvass in Great Britain, or to make alternative arrangements, under section 7. The report must assess the extent to which the objective of the annual canvass is met currently, the extent to which it would be met if the proposed order were made and other ways the objective could be met.
37. *Subsections (3) and (4)* require the Electoral Commission to provide the report by a date specified by the Minister. This date must not be less than 3 months after the Electoral Commission is consulted by the Minister.
38. *Subsection (5)* enables the Electoral Commission to obtain information from registration officers for use in preparing the report.
39. *Subsection (6)* requires the Minister to lay a report under this section before Parliament if the Minister lays a draft order under section 7, unless the draft order provides only for the reinstatement of the duty to conduct a canvass. The Minister must therefore consult

the Electoral Commission and obtain the report before laying an order under section 7, except one that only reinstates the duty to conduct a canvass.

Section 9: Piloting changes to annual canvass

40. *Subsection (1)* provides that an order to amend or abolish the annual canvass can have effect for a specified period (“a pilot scheme”).
41. *Subsection (3)* stipulates that a Minister can only pilot the amendment or abolition of the annual canvass in an area if the registration officer responsible for that area has proposed the making of the pilot scheme, and has agreed to any amendments to the proposal by the Minister.
42. *Subsection (4)* states that the Electoral Commission does not have to be consulted on a pilot proposal in the same way as a permanent proposal.
43. *Subsections (5) and (6)* enable a pilot scheme to state what is to happen at the end of the period of the scheme, including the scheme’s replacement by a further pilot scheme.
44. *Subsections (7) and (8)* state that the Electoral Commission must prepare a report on a pilot scheme which must contain a description of the scheme, and assessments of whether the scheme met its objectives and the extent (if at all) to which this resulted in savings of time and costs. The order providing for the pilot must say when the report must be produced. *Subsection (9)* stipulates that the Minister must publish the Electoral Commission’s report, and *subsection (10)* enables the Electoral Commission to obtain information from registration officers for use in preparing the report.

Section 10: Piloting registration provisions

45. *Section 10* enables the Minister to make an order, in relation to a particular area and for a particular time, to test changes to electoral registration as set out in this Act, that is to say any provision in sections 1 and 2, and in Schedules 1, 2 and 4.
46. *Subsection (4)* stipulates that a Minister can only make an order to pilot changes to the registration system in an area if the registration officer responsible for that area has proposed the making of the pilot scheme, and has agreed any amendments to the proposal by the Minister.
47. *Subsections (5) and (6)* enable an order to state what is to happen at the end of the pilot period and to modify the transitional arrangements. This could, for example, be used to ensure that electors who have registered under the new system during a pilot do not have to register under the new system again when it is launched nationwide.

Section 11: Orders under Part 1

48. *Section 11* states that orders made under a power in Part 1 must be laid before Parliament and approved by each House before they are made. There is an exception to this in the case of an order changing the date for removal of certain entries on the register (see paragraph 144).
49. *Subsections (3) and (4)* state that orders can make additional provisions related to the powers under which they are made and can amend other legislation. *Subsection (5)* provides that any order may apply generally, or only in specified cases and areas, and that any order may make different provision for different cases and areas.

Section 12: Interpretation of Part 1

50. *Section 12* defines various terms used in Part 1.

These notes refer to the Electoral Registration and Administration Act 2013 (c.6) which received Royal Assent on 31 January 2013

Section 13: Amendments and transitional provision

51. *Section 13* introduces Schedules 4 and 5, which contain amendments of legislation and transitional provisions.
52. *Subsections (3) and (4)* make transitional provisions in relation to sentences for offences, until such time as the relevant sections of the Criminal Justice Act 2003 come into force.