

SCHEDULES

SCHEDULE 5

Section 13

TRANSITIONAL PROVISION TO DO WITH PART 1

PART 1

INTRODUCTION

Applications for registration etc made before commencement

- 1 The amendments made by Part 1 of this Act do not apply in relation to an application made before the commencement date (even if it is determined later).

Meaning of “commencement date”

- 2 In this Schedule “commencement date” means the date appointed for sections 1 and 4 and Schedule 1 to come fully into force.

Meaning of “new application for registration” and “successful” new application

- 3 (1) For the purposes of this Schedule, a person (“P”) makes a “new application for registration” in a register maintained by a registration officer in Great Britain if—
- (a) an application for registration in the register under section 10ZC of the Representation of the People Act 1983 is made in respect of P, or
 - (b) an application for alteration of the register under section 10ZD of that Act is made in respect of P.
- (2) For the purposes of this Schedule, a new application for registration is “successful”—
- (a) in the case of an application within sub-paragraph (1)(a), if the officer determines that P is to be entered in the register (or that P would be entered in the register had P not already been registered);
 - (b) in the case of an application within sub-paragraph (1)(b), if the officer determines that P’s entry in the register is to be altered.

Checking of old entries and meaning of “confirmation” of entitlement to remain registered

- 4 (1) The Minister may by order require a registration officer in Great Britain to take specified steps to check whether each person who has an entry in a register maintained by the officer is entitled to remain registered.
- (2) For the purposes of this Schedule a person’s entitlement to remain registered has been “confirmed” if, having taken steps in accordance with an order under sub-paragraph (1), the registration officer is satisfied that there is evidence of a kind specified in the order to support the person’s entitlement to be registered.

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- (3) An order under this paragraph may make further provision about checking or confirming a person's entitlement to remain registered, including—
- (a) provision of the kind mentioned in paragraph 1A or 13(1ZB) to (1ZD) of Schedule 2 to the Representation of the People Act 1983 (inserted by Schedule 2 to this Act);
 - (b) provision requiring a registration officer to have regard to guidance given by the Minister (including guidance of the kind mentioned in section 1(4));
 - (c) provision requiring a registration officer who has confirmed a person's entitlement, to notify that person in a specified manner and within a specified period;
 - (d) provision requiring the notification to be accompanied by, or combined with, other documents.
- (4) Subsections (5) to (8) of section 53 of the Representation of the People Act 1983 (inserted by Schedule 2 to this Act) apply in relation to an order containing provision of the kind mentioned in sub-paragraph (3)(a) above as they apply in relation to the regulations mentioned in subsection (5) of that section.
- (5) Nothing in this paragraph requires a registration officer to take steps to check the entitlement of a person to remain registered in a register if—
- (a) the person's entry in the register was carried forward on the conclusion of the final old canvass (see paragraph 5(2)),
 - (b) the person has made a successful new application for registration in the register, or
 - (c) the person is a relevant person for the purposes of Part 5 or 6 of this Schedule.

PART 2

REMOVAL OF EXISTING REGISTRATIONS BY END OF THE THIRD NEW CANVASS

Removal of certain existing registrations after the first new canvass

- 5 (1) A registration officer in Great Britain must, immediately before the publication of a register following the first new canvass, remove the entry of a person ("P") if—
- (a) P's entry was carried forward on the conclusion of the final old canvass,
 - (b) P has not made a new application for registration in the register, and
 - (c) at the first new canvass, no canvass form has been completed and returned in respect of P and the address to which the entry relates.
- (2) For the purposes of sub-paragraph (1), P's entry on the register was carried forward on the conclusion of the final old canvass if—
- (a) P's entitlement to remain registered in the register terminated on the conclusion of the final old canvass by virtue of section 10A(5)(a) of the Representation of the People Act 1983, but
 - (b) in accordance with regulations under section 10A(7) of that Act, P's entry was not removed from the register.
- (3) In this paragraph "the final old canvass" means the final canvass under section 10(1) of the Representation of the People Act 1983.

Removal of existing registrations after the third new canvass

- 6 A registration officer in Great Britain must, immediately before the publication of a register following the third new canvass, remove the entry of any person who has neither—
- (a) had his or her entitlement to remain registered confirmed, nor
 - (b) made a successful new application for registration in the register.

This Part not to apply to persons within Part 5 or 6 below

- 7 In this Part of this Schedule, references to a person who has an entry in a register do not include a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

PART 3

ENCOURAGING NEW APPLICATIONS

Registration officers to invite applications in year of first new canvass from those with existing registrations

- 8 (1) A registration officer in Great Britain must, within a prescribed period, give an invitation to make a new application for registration in a register maintained by the officer to each person who—
- (a) has an entry in the register but has not had his or her entitlement to remain registered confirmed, and
 - (b) has not made a new application for registration.
- (2) But the officer need not give an invitation at a time when the officer has reason to believe, from records available to the officer, that the person is no longer resident at the address to which the entry relates.
- (3) The period prescribed for the purposes of this paragraph must begin in the year in which the first new canvass begins.

Powers to delay canvasses and timing of canvasses

- 9 (1) The Minister may by order—
- (a) postpone any canvass to be conducted under section 10(1) of the Representation of the People Act 1983;
 - (b) make provision about the period during which canvass forms to be used for the purpose of such a canvass are to be given.
- (2) The Minister may by order postpone the first new canvass.
- (3) Any canvass forms to be used by a registration officer for the purpose of the first new canvass must be given within the period prescribed for the purposes of paragraph 8.
- (4) The Minister may by order make provision about the period during which any canvass forms to be used for the purpose of the second new canvass are to be given.
- (5) A registration officer is not required, before the commencement date, to do anything for the purpose of conducting any canvass under section 10(1) of the Representation

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of the People Act 1983 by reference to residence on the 15 October after the commencement date.

- (6) An order under sub-paragraph (1) or (2) postponing a canvass must specify the period during which it is to be conducted; and the period must not end later than the 1 April after it begins.
- (7) An order under sub-paragraph (1) or (2) postponing a canvass does not postpone or remove a duty to conduct any other canvass.

Canvass forms need not be supplied to addresses to which invitations supplied

- 10 (1) At the first new canvass, a registration officer is not required to supply a canvass form to an address if the officer thinks that it is unnecessary to do so and—
 - (a) the officer has given a person an invitation under paragraph 8 in respect of the address,
 - (b) the officer has given a person an invitation under section 9E of the Representation of the People Act 1983 in respect of the address, or
 - (c) a person is registered in respect of the address in a register maintained by the officer and the person's entitlement to remain registered in the register has been confirmed.
- (2) In deciding whether it is necessary to supply a canvass form to an address the registration officer must, in particular, consider whether supplying the canvass form is likely to result in the officer finding out about people residing at the address whom the officer might not otherwise find out about.

Registration officers to invite applications in year of second new canvass from those with existing registrations

- 11 (1) A registration officer in Great Britain must, on or as soon as reasonably practicable after the relevant date, give a person an invitation to make a new application for registration in a register maintained by the officer if the person—
 - (a) has an entry in the register but has not had his or her entitlement to remain registered confirmed, and
 - (b) has not made a successful new application for registration in the register.
- (2) "The relevant date" means whichever of the following comes first—
 - (a) the date on which, at the second new canvass, a canvass form is completed and returned in respect of the address to which the person's entry in the register relates;
 - (b) the date on which it appears to the officer that, at the second new canvass, no canvass form will be completed and returned in respect of that address;
 - (c) 31 October in the year of the second new canvass.
- (3) But the officer need not give an invitation at a time when—
 - (a) the officer has reason to believe, from records available to the officer, that the person is no longer resident at that address, or
 - (b) the person has made a new application for registration which has not been determined.

Invitations under paragraph 8 or 11 and power to require application following invitation

- 12 The Minister may by order make provision in connection with invitations under paragraph 8 or 11, including provision of the kind mentioned in—
- (a) section 9E(2) and (3) of the Representation of the People Act 1983, or
 - (b) paragraph 3C(2) of Schedule 2 to that Act.
- 13 (1) A registration officer who gives a person an invitation under paragraph 8 or 11 may subsequently require the person to make an application for registration by a specified date.
- (2) A requirement under sub-paragraph (1) is of no effect if the person is not entitled to be registered.
- (3) The Minister may by order make provision of the kind mentioned in section 9E(6) of the Representation of the People Act 1983 in connection with requirements under sub-paragraph (1).
- (4) A registration officer may impose a civil penalty on a person who fails to comply with a requirement imposed by the officer under sub-paragraph (1).
- (5) The Minister—
- (a) must by order make provision of the kind mentioned in paragraphs 2 and 3 of Schedule ZA1 to the Representation of the People Act 1983 in connection with a civil penalty under sub-paragraph (4), and
 - (b) may by order make any other provision of the kind mentioned in that Schedule in connection with a civil penalty under that sub-paragraph.
- (6) A civil penalty under sub-paragraph (4) received by a registration officer is to be paid into the Consolidated Fund.

Power to require additional information on poll cards at 2014 European Parliamentary election

- 14 Regulations under section 7(1) of the European Parliamentary Elections Act 2002 may include provision for the purpose of requiring a poll card to be used at the 2014 European Parliamentary general election to include information relating to changes made by Part 1 of this Act.

Certain provisions of this Part not to apply to persons within Part 5 or 6 below

- 15 In this Part of this Schedule, references to a person who has an entry in a register do not include a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

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PART 4

ABSENT VOTING

Applicant for absent vote must have made successful new application for registration or had registration confirmed

- 16 (1) For the purposes of an absent voting application made on or after the commencement date, a person is to be regarded as registered in a register in Great Britain only if the person—
- (a) was registered in the register immediately before the commencement date and has had his or her entitlement to remain registered confirmed, or
 - (b) has made a successful new application for registration.
- (2) “Absent voting application” means an application under paragraph 3(1) or (2) or 4(1) or (2) of Schedule 4 to the Representation of the People Act 2000.
- (3) This paragraph does not apply in relation to a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

Entitlement to absent vote ceases after first new canvass if no successful new application for registration or confirmation of registration

- 17 (1) Sub-paragraph (2) applies if, on the day on which a registration officer in Great Britain publishes a register following the first new canvass—
- (a) a person is shown in the absent voters’ record as the result of an application made in reliance on the person’s registration in the register, and
 - (b) the person was registered in the register immediately before the commencement date and has not had his or her entitlement to remain registered confirmed or made a successful new application for registration in the register.
- (2) The officer must remove the person’s entry from the absent voters’ record so far as the entry concerns elections of the kind to which the register relates.
- (3) “Absent voters’ record” means the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000.
- (4) Sub-paragraph (5) applies if, on the day on which a registration officer in Great Britain publishes a register following the first new canvass—
- (a) a person is shown in an absent voters’ list as the result of an application made in reliance on the person’s registration in the register, and
 - (b) the person was registered in the register immediately before the commencement date and has not had his or her entitlement to remain registered confirmed or made a successful new application for registration in the register.
- (5) The officer must remove the person’s entry from the absent voters’ list.
- (6) “Absent voters’ list” means the list mentioned in paragraph 5(2) or (3) of Schedule 4 to the Representation of the People Act 2000.
- (7) If a registration officer removes a person’s entry from an absent voters’ record or list, the officer must—

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- (a) notify the person in the prescribed manner, and
- (b) take any other prescribed steps.

(8) This paragraph does not apply in relation to a person who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

Proxies to have made successful new application for registration or had registration confirmed

- 18 A person is to be regarded as registered in a register in Great Britain for the purposes of paragraph 6(3) or (3A) of Schedule 4 to the Representation of the People Act 2000 (as substituted by section 3 of this Act) only if the person—
- (a) was registered in the register immediately before the commencement date and has had his or her entitlement to remain registered confirmed, or
 - (b) has made a successful new application for registration.

Proxy for existing absent voter need not have made successful new application for registration or had registration confirmed until after first new canvass

- 19 (1) The amendment made by section 3 (read with paragraph 18 above) does not apply in relation to a proxy appointment for an existing absent voter (or the proxy's entitlement to vote) until the registration officer who made the appointment publishes the relevant register following the first new canvass.
- (2) In this paragraph—
- (a) “proxy appointment” means an appointment of a person as proxy under paragraph 6(7) or (8) of Schedule 4 to the Representation of the People Act 2000 (whether made before, on or after the commencement date);
 - (b) “existing absent voter”, in relation to a proxy appointment, means a person whose absent voting application was made before the commencement date;
 - (c) “absent voting application” means the application under paragraph 3(2) or 4(2) or (3) of Schedule 4 to the Representation of the People Act 2000 by virtue of which the proxy appointment is made;
 - (d) “relevant register” means the register in which the existing absent voter is registered and which relates to elections of the same kind as those to which the proxy appointment relates.
- (3) If a proxy appointment ceases to be in force because sub-paragraph (1) ceases to preserve it, the officer must—
- (a) notify the proxy and the existing absent voter in the prescribed manner, and
 - (b) take any other prescribed steps.
- (4) This paragraph does not apply in relation to an existing absent voter who is a relevant person for the purposes of Part 5 or 6 of this Schedule.

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PART 5

PERSONS WITH EXISTING REGISTRATIONS BY VIRTUE OF DECLARATIONS ETC

Meaning of “relevant person”

- 20 (1) In this Part of this Schedule “relevant person” means a person who falls within sub-paragraph (2) or (3).
- (2) A person falls within this sub-paragraph if the person—
- (a) is for the time being registered in a register in pursuance of a declaration of local connection, a service declaration or an overseas elector’s declaration, and
 - (b) has been registered in pursuance of a declaration of that kind since immediately before the commencement date.
- (3) A person falls within this sub-paragraph if the person—
- (a) has for the time being an anonymous entry in a register, and
 - (b) has had such an entry since immediately before the commencement date.

Relevant person’s first renewal of registration after 3-month transitional period: successful new application required

- 21 (1) On the first occasion after the transitional period on which a relevant person’s entry in a register comes up for renewal, the person is not entitled to remain registered unless the person has made a successful new application for registration (in addition to complying with any other requirements).
- (2) “Transitional period” means the period of 3 months beginning with the commencement date.
- (3) For the purposes of this paragraph, a relevant person’s entry in a register comes up for renewal when an event mentioned in the applicable provision occurs in relation to that entry.
- (4) “The applicable provision” means—
- (a) section 7C(2) or 15(2) of the Representation of the People Act 1983 or section 2(2) of the Representation of the People Act 1985, or
 - (b) section 9C(1) of the Representation of the People Act 1983;
- (as applicable).

Application for absent vote before first renewal of registration after 3-month transitional period: relevant person need not have made successful new application for registration

- 22 (1) An absent voting application made by a relevant person on or after the commencement date is not to be refused merely because the person has not made a successful new application for registration (but see paragraph 21).
- (2) “Absent voting application” means an application under paragraph 3(1) or (2) or 4(1) or (2) of Schedule 4 to the Representation of the People Act 2000.

Proxy for relevant person need not have made successful new application for registration until relevant person's first successful new application for registration

- 23 (1) The amendment made by section 3 of this Act (read with paragraph 18 above) does not apply in relation to a proxy appointment for a relevant person (or the proxy's entitlement to vote) until the first occasion on which the relevant person makes a successful new application for registration in the relevant register.
- (2) In this paragraph—
- (a) “proxy appointment” means an appointment of a person as proxy under paragraph 6(7) or (8) of Schedule 4 to the Representation of the People Act 2000 (whether made before, on or after the commencement date);
 - (b) “relevant register” means the register which relates to elections of the same kind as those to which the proxy appointment relates.
- (3) If a proxy appointment ceases to be in force because sub-paragraph (1) ceases to preserve it, the officer must—
- (a) notify the proxy and the relevant person in the prescribed manner, and
 - (b) take any other prescribed steps.

PART 6

PERSONS WITH EXISTING REGISTRATIONS BY VIRTUE OF SECTION 7(2) OR 7A(2) OF THE REPRESENTATION OF THE PEOPLE ACT 1983

Meaning of “relevant person”

- 24 In this Part of this Schedule “relevant person” means a person who—
- (a) is for the time being registered in a register by virtue of an application made under section 7(2) or 7A(2) of the Representation of the People Act 1983, and
 - (ab) has been registered by virtue of an application of that kind since immediately before the commencement date.

Amendments not to apply to application made by relevant person before first renewal of registration after 3-month transitional period

- 25 (1) The amendments made by Part 1 of this Act do not apply to an application made by a relevant person by virtue of section 7(4) or 7A(4) of the Representation of the People Act 1983 in relation to a case where the person's entry in a register comes up for renewal during the transitional period.
- (2) “Transitional period” means the period of 3 months beginning with the commencement date.
- (3) For the purposes of this paragraph, a relevant person's entry in a register comes up for renewal when an event mentioned in section 7(3) or 7A(3) of the Representation of the People Act 1983 occurs in relation to that entry.

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Application for absent vote before first renewal of registration after 3-month transitional period: relevant person need not have made successful new application for registration

- 26 (1) An absent voting application made by a relevant person on or after the commencement date is not to be refused merely because the person has not made a successful new application for registration (but see paragraph 25).
- (2) “Absent voting application” means an application under paragraph 3(1) or (2) or 4(1) or (2) of Schedule 4 to the Representation of the People Act 2000.

Proxy for relevant person need not have made successful new application for registration until relevant person’s first successful new application for registration

- 27 (1) The amendment made by section 3 of this Act (read with paragraph 18 above) does not apply in relation to a proxy appointment for a relevant person (or the proxy’s entitlement to vote) until the first occasion on which the relevant person makes a successful new application for registration in the relevant register.
- (2) In this paragraph—
- (a) “proxy appointment” means an appointment of a person as proxy under paragraph 6(7) or (8) of Schedule 4 to the Representation of the People Act 2000 (whether made before, on or after the commencement date);
- (b) “relevant register” means the register which relates to elections of the same kind as those to which the proxy appointment relates.
- (3) If a proxy appointment ceases to be in force because sub-paragraph (1) ceases to preserve it, the officer must—
- (a) notify the proxy and the relevant person in the prescribed manner, and
- (b) take any other prescribed steps.

PART 7

SUPPLEMENTARY

Power to bring forward effect of paragraph 6

- 28 (1) The Minister may by order provide for paragraph 6 to have effect as if the reference to the third new canvass were a reference to the second new canvass.
- (2) An order under sub-paragraph (1) may be made only in the period of 3 months beginning with 1 June in the year in which the second new canvass begins.
- (3) A statutory instrument containing provision under sub-paragraph (1) only is subject to annulment in pursuance of a resolution of either House of Parliament (and section 11(2) does not apply to it).

Power to make supplementary provision

- 29 The Minister may by order make provision for supplementing, or provision incidental to, the provision made by this Schedule.

Interpretation of this Schedule

- 30 (1) In this Schedule—
- “the first new canvass” means the first canvass under section 9D of the Representation of the People Act 1983;
 - “prescribed” means prescribed by order made by the Minister;
 - “the second new canvass” means the second canvass under section 9D of the Representation of the People Act 1983;
 - “the third new canvass” means the third canvass under section 9D of the Representation of the People Act 1983.
- (2) In this Schedule references to publication of a register are to publication of the revised version of the register under section 13(1)(a) of the Representation of the People Act 1983.
- (3) In this Schedule—
- (a) references to a person who is registered in a register immediately before the commencement date include a person who becomes registered in the register on or after that date as the result of an application made before that date;
 - (b) references to a person who has an anonymous entry in a register immediately before the commencement date include a person whose anonymous entry is made in the register on or after that date as the result of an application made before that date.
- (4) For the purposes of this Schedule a document may be given to a person—
- (a) by delivering it to the person,
 - (b) by leaving it at the person’s address, or
 - (c) by sending it to the person by post.
- (5) The Representation of the People Act 1983 and this Schedule are to have effect as if this Schedule were contained in Part 1 of that Act.
- (6) References in an enactment other than one contained in this Schedule or the Representation of the People Act 1983 to Part 1 of that Act include a reference to this Schedule.