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STATUTORY INSTRUMENTS

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**2020 No. 581**

**The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020**

**PART 2**

**Amendments to the Representation of the People Acts**

**The Representation of the People Act 1983**

2. The Representation of the People Act 1983 is amended in accordance with regulations 3 to 7.

**Section 9A (registration officers: duty to take necessary steps)**

- 3.—(1) Section 9A(1) is amended as follows.

- (2) In subsection (2)—

- (a) after paragraph (za) insert—

“(zb) for the purposes of a register maintained by the Chief Electoral Officer for Northern Ireland under section 9—

- (i) no earlier than 1 July in a year in which a canvass under section 10 is conducted, sending to any address a notice that includes the following information—

(aa) details of the canvass, including any time by which the form to be used for the purposes of the canvass is to be submitted,

(bb) an invitation to submit that form through the UK digital service, and

(cc) instructions on how to do so;

- (ii) at any time after sending the notices under sub-paragraph (i), sending the form to be used for the purposes of the canvass to any non-responding registered person;”;

- (b) omit paragraph (a).

- (3) After subsection (3) insert—

“(4) In this section—

“non-responding registered person”, in relation to a canvass, means a person who—

(a) is registered in a register in respect of an address in Northern Ireland, and

(b) has not responded to the canvass;

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(1) Section 9A was inserted by section 9(1) of the Electoral Administration Act 2006 (c. 22); amended by paragraph 6 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); amended by section 18(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13); extended to Northern Ireland by section 18(1)(a) of that Act; and amended by S.I.s 2019/1451 and 2020/50 (W.6). S.S.I. 2020/62 will amend section 9A when it comes into force on 3 March 2020.

“the UK digital service” has the same meaning as in section 10ZF below, and references to submitting a form through the UK digital service shall be construed in accordance with subsection (4) of that section.”.

#### **Section 10 (maintenance of registers: duty to conduct canvass in Northern Ireland)**

- 4.—(1) Section 10(2) is amended as follows.
- (2) In subsection (4A), for “subsection (4B)” substitute “subsections (4B) and (4BZA)”.
- (3) After subsection (4B) insert—
- “(4BZA) The requirement mentioned in subsection (4A)(a) above does not apply to forms that are submitted through the UK digital service.”.
- (4) For subsection (7) substitute —
- “(7) In this section—
- “residence” means residence for the purposes of section 4 above;
- “the UK digital service” has the same meaning as in section 10ZF below, and references to submitting a form through the UK digital service shall be construed in accordance with subsection (4) of that section.”.

#### **Section 10ZF (digital registration in Northern Ireland)**

- 5.—(1) Section 10ZF(3) is amended as follows.
- (2) In the heading, after “Digital registration” insert “and canvass”.
- (3) In subsection (1)—
- (a) for paragraph (a) substitute—
- “(a) acting as an intermediary for the purposes of the receipt of—
- (i) online canvass forms, and
- (ii) online applications for registration,
- in respect of addresses in Northern Ireland on behalf of the Chief Electoral Officer for Northern Ireland;”;
- (b) in paragraph (b), after “such” insert “forms or”.

#### **Section 10A (maintenance of the registers: registration of electors in Northern Ireland)**

- 6.—(1) Section 10A(4) is amended as follows.
- (2) After subsection (2A) insert—
- “(2B) Where the form referred to in paragraph (a) of subsection (2) above is submitted through the UK digital service, the application referred to in that subsection shall be treated as having been submitted through the UK digital service.”.

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- (2) Section 10 was substituted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2); amended by section 1(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); amended by paragraphs 5 and 105 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); amended by section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); amended by paragraph 9 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); amended by sections 13 and 14(1)(a)(iv) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13); and amended in consequence of the amendments made to section 78(2) of the Electoral Administration Act 2006 by S.I. 2014/1116.
- (3) Section 10ZF was inserted by S.I. 2018/699.
- (4) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 1(3) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), paragraph 1 of Schedule 6 to the Political Parties and Elections Act 2009 (c. 12), paragraph 10 to Schedule 4 of the Electoral Registration and Administration Act 2013 (c. 6), section 14(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and S.I. 2018/699.

(3) In subsection (9), in the definition of “the UK digital service”, for “an application” substitute “a form or application”.

### **Section 10B (register of electors in Northern Ireland: digital registration number)**

7.—(1) Section 10B(5) is amended as follows.

(2) For subsection (1) substitute—

“(1) Where a person meets the condition in subsection (1A) or the condition in subsection (1B), the Chief Electoral Officer for Northern Ireland shall allocate a unique reference number (a “digital registration number”) to the person if no such number has previously been allocated to that person.

(1A) A person meets the condition in this subsection if, following receipt of an application for registration made by the person in respect of an address in Northern Ireland and submitted through the UK digital service, the Chief Electoral Officer determines that the person is entitled to be registered in the register.

(1B) A person meets the condition in this subsection if—

- (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies the person as a person who is entitled to be registered in a register,
- (b) the form is submitted through the UK digital service,
- (c) section 10A(2) above does not apply, and
- (d) following receipt of the form, the Chief Electoral Officer determines that the person is entitled to be registered in the register.”.

(3) In subsection (2)—

(a) in paragraph (a)—

- (i) for “an applicant” substitute “a person”;
- (ii) at the end omit “or”;

(b) for paragraph (b) substitute—

“(b) where, following—

- (i) an application for registration in respect of an address in Northern Ireland submitted through the UK digital service by a person to whom a digital registration number has previously been issued, or
- (ii) (where section 10A(2) above does not apply) the submission of a form in connection with a canvass under section 10 above through the UK digital service by such a person,

the Chief Electoral Officer determines that the person’s registration in the register is to be amended in accordance with the application or form, or”;

(c) after paragraph (b) insert—

“(c) where, following—

- (i) an application for registration in respect of an address in Northern Ireland submitted through the UK digital service by a person to whom a digital registration number has previously been issued, or
- (ii) the submission of a form in connection with a canvass under section 10 above through the UK digital service by such a person,

the Chief Electoral Officer determines that the person’s registration in the register is not to be amended in accordance with the application or form.”.

(4) In subsection (3)—

- (a) in each place it occurs, for “applicant” substitute “person”;
- (b) for “by post” substitute “by the appropriate method (see subsection (3A))”.

(5) After subsection (3) insert—

“(3A) In subsection (3), “by the appropriate method” means—

- (a) in a case falling within subsection (2)(a) or (b), by post;
- (b) in a case falling within subsection (2)(c) —
  - (i) by post, or
  - (ii) if the person has given an email address in the application or form, by email to that address.”.

(6) In subsection (7)(b)(ii), for “the application for registration” substitute “an application or form mentioned in subsection (1A), (1B) or (2)”.

(7) In subsection (9), after “references to” insert “a form or”.

### **Representation of the People Act 1985**

8. The Representation of the People Act 1985(6) is amended in accordance with regulations 9 and 10.

### **Section 6 (absent vote at elections for an indefinite period)**

9.—(1) Section 6(7) is amended as follows.

(2) For subsection (7) substitute—

“(7) For the purposes of this section, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in subsection (7A) or the condition in subsection (7B).

(7A) A person meets the condition in this subsection if—

- (a) the person’s registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service, and
- (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the principal Act, the last such form was submitted through the UK digital service.

(7B) A person meets the condition in this subsection if—

- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the principal Act was submitted through the UK digital service, and
- (b) where, since the submission of that form, any application for registration in the register of parliamentary electors has been made in respect of the person, the last such application was submitted through the UK digital service.”.

(3) In subsection (8), in the definition of “the UK digital service”, for “the reference to an application” substitute “references to a form or application”.

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(6) 1985 c. 50.

(7) Section 6 was amended by S.I. 2018/699.

## **Section 7 (absent vote at a particular election and absent voters list)**

**10.**—(1) Section 7(8) is amended as follows.

(2) For subsection (6) substitute—

“(6) For the purposes of this section, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in subsection (6A) or the condition in subsection (6B).

(6A) A person meets the condition in this subsection if—

- (a) the person’s registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service, and
- (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the principal Act, the last such form was submitted through the UK digital service.

(6B) A person meets the condition in this subsection if—

- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the principal Act was submitted through the UK digital service, and
- (b) where, since the submission of that form, any application for registration in the register of parliamentary electors has been made in respect of the person, the last such application was submitted through the UK digital service.”.

(3) In subsection (7), in the definition of “the UK digital service”, for “the reference to an application” substitute “references to a form or application”.