

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 (c.2), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Northern
Ireland)(Amendment) Regulations 2007**

Made - - - - 2007
Coming into force - - 2007

In accordance with section 7(2)(e) of the Political Parties, Elections and Referendums Act 2000(1), the Electoral Commission has been consulted prior to making these Regulations.

A draft of these Regulations was laid before Parliament in accordance with section 201(2) of the Representation of the People Act 1983(2) and approved by a resolution of each House of Parliament. Accordingly, the Secretary of State, in exercise of the powers conferred by section 53(1)(b)(i) and (3) of, and paragraphs 1(4), (4A), (4B) and (6) to (8) and 13(1ZA) of Schedule 2 to, that Act(3) makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2007 and shall come into force on the expiry of fourteen days beginning with the day on which the Regulations are made.

(2) In these Regulations—

“the 2001 Regulations” means the Representation of the People (Northern Ireland) Regulations 2001(4); and

“the 1983 Act” means the Representation of the People Act 1983.

(3) These Regulations extend to Northern Ireland only.

(1) 2000 c.41.

(2) 1983 c.2.

(3) Paragraphs 1(4A), (4B), (6) to (8) and 13(1ZA) of Schedule 2 to the 1983 Act were inserted by section 7 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33). Paragraphs 1(7) and (8) are interpretation provisions and are cited here because they define the meaning of “the relevant registration objectives” and “third party” respectively.

(4) S.I.2001/400 as amended by the Representation of the People (Northern Ireland)(Amendment) Regulations 2002 (S.I.2002/1873).

(4) Nothing in these Regulations shall be taken to require a specified authority or person mentioned in regulation 35(1) of the 2001 Regulations, as substituted by regulation 3 of these Regulations, to disclose information which came into their control before these Regulations came into force.

Amendment of the interpretation provisions

2. In regulation 3(1)(interpretation) of the 2001 Regulations insert the following at the appropriate places—

““specified authorities” means the authorities set out in regulation 35A(2); and

“specified information” means the information set out in regulation 35A(3) to (6).”

Provision of data to the registration officer

3. For regulations 35 (registration officer’s right to inspect certain records) and 35A (disclosures relating to national insurance numbers)(5) of the 2001 Regulations substitute—

“Requests for information

35.—(1) The registration officer may, from time to time, request such specified information as he may require for the purposes mentioned in paragraph 1(4B) of Schedule 2 to the 1983 Act from—

- (a) any specified authority; or
- (b) any person providing services to, or authorised to exercise any function of, any such authority.

(2) A request for information shall—

- (a) be in writing;
- (b) specify the format in which the information shall be provided; and
- (c) specify the date by which information shall be provided.

(3) A request for information may—

- (a) request the regular disclosure of specified information at intervals not more frequent than monthly; and
- (b) relate to a specified individual or a class of individuals of a particular description.

(4) A recipient of a request for information shall—

- (a) provide the information requested by the specified date; or
- (b) inform the registration officer that the information requested is not held by that authority or person; or
- (c) request further time for the location of that information.

(5) Nothing in these Regulations requires the disclosure of information which came into the possession of an authority or person before any previous disclosure made in response to a request made in accordance with this regulation.

(6) Where a request for information is not made in accordance with paragraph (5), the recipient of the request may provide the information requested if, in his opinion, the information is reasonably required by the registration officer to replace any information

(5) Regulation 35A was inserted by the Representation of the People (Northern Ireland)(Amendment) Regulations 2002 (S.I.2002/1873).

previously disclosed which has been lost, destroyed or impaired during processing by the registration officer.

Provision of information to the registration officer

35A.—(1) The authorities set out in paragraph (2) are specified authorities for the purposes of regulation 35.

(2) The specified authorities are—

- (a) district councils;
- (b) the Registrar General of Births and Deaths in Northern Ireland;
- (c) the Northern Ireland Central Services Agency;
- (d) the Department for Work and Pensions; and
- (f) the Northern Ireland Housing Executive.

(3) The specified information is such of the information set out in paragraphs (4) to (6) as is, in the opinion of the registration officer, required to maintain the accuracy of the register and to ensure that it is comprehensive.

(4) The specified information in respect of persons is such of the following information which relates to a person aged 16 or over—

- (a) his name and former name;
- (b) his address and last former address;
- (c) his date of birth;
- (d) his date of death; and
- (e) his national insurance number.

(5) The specified information in respect of residential buildings is—

- (a) the postal address;
- (b) information relating to any change in the usage of the building from residential to non-residential; and
- (c) information relating to the current occupants and the last former occupants of the building.

(6) The specified information in respect of non-residential buildings is information relating to any change in the usage of the building from non-residential to residential.

(7) For the purpose of this regulation “residential buildings” includes residential buildings which are under construction and to which a postal address has been assigned.

Disclosure of information

35B.—(1) A person commits an offence if he discloses information obtained under these Regulations to a third party except—

- (a) for the purpose mentioned in paragraph 1(4B) of Schedule 2 to the 1983 Act; or
- (b) for the purposes of any criminal or civil proceedings.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) In this regulation “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate his functions.”

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Representation of the People (Northern Ireland) Regulations 2008* ISBN 978-0-11-081467-4

Northern Ireland Office
2007

Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Representation of the People (Northern Ireland) Regulations 2001 (S.I.2001/400) (“2001 Regulations”) to enable the Chief Electoral Officer for Northern Ireland to request information from local and public authorities in Northern Ireland.

Section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) (“2006 Act”) removed the legal obligation to conduct an annual canvass in Northern Ireland. The annual canvass has been replaced with a more extensive system of continuous updating of the electoral register. The Chief Electoral Officer, as the registration officer for all constituencies in Northern Ireland, has responsibility for maintaining the electoral register in Northern Ireland. Section 10ZB of the Representation of the People Act 1983 (c.2), as inserted by section 4 of the 2006 Act, sets out the “relevant registration objectives” which the registration officer must aim to meet in maintaining the register. In order to assist the registration officer in meeting the registration objectives under the new system of continuous updating, these Regulations enable him to request information for the purposes of ensuring that the register is accurate and comprehensive.

Regulation 3 substitutes new regulations 35, 35A and 35B for regulations 35 and 35A of the 2001 Regulations, which gave the registration officer powers to inspect records of certain public authorities and to request information relating to national insurance numbers from the Department for Work and Pensions respectively. New regulation 35 sets out the form which a request for information by the registration officer must take and the response required by the recipients of the request. New regulation 35A(2) sets out the public authorities which are required to supply the registration officer with information following a request made under regulation 35. New regulation 35A(3) to (6) set out the information which the registration officer may require in relation to people and buildings. New regulation 35B safeguards the onwards transmission of the information by providing that the information may only be passed to a third party for the purposes of meeting the registration objectives or for criminal or civil proceedings. It is an offence to disclose information in breach of these safeguards.