

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 (c.2) and section 42(10) of the Electoral Administration Act 2006 (c.22) for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

REPRESENTATION OF THE PEOPLE

**The Representation of the People
(Northern Ireland) Regulations 2008**

Made - - - - 2008

Coming into force - - 1st July 2008

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000⁽¹⁾ and section 42(9) of the Electoral Administration Act 2006⁽²⁾ (“the 2006 Act”), 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⁽³⁾ (“the 1983 Act”) and section 42(10) of the 2006 Act and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred on him by the enactments which are specified in Schedule 1 to these Regulations, makes the following Regulations:

PART 1

GENERAL, INTERPRETATION AND MISCELLANEOUS

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) Regulations 2008 and shall come into force on 1st July 2008.

(2) These Regulations extend to Northern Ireland only.

(1) 2000 c.41.

(2) 2006 c.22.

(3) 1983 c.2. section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c.50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) and article 5(b) of S.I.1991/1728.

Revocations

2. The instruments listed in column 1 of Schedule 2 to these Regulations (which have the corresponding reference in column 2) are revoked to the extent indicated in column 3.

Interpretation

- 3.—(1) For the purposes of these Regulations, unless the context otherwise requires—
- “the 1962 Act” means the Electoral Law Act (Northern Ireland) 1962(4);
 - “the 1983 Act” means the Representation of the People Act 1983;
 - “the 1985 Act” means the Representation of the People Act 1985(5);
 - “the 1989 Act” means the Elected Authorities (Northern Ireland) Act 1989(6);
 - “the 2000 Act” means the Representation of the People Act 2000(7);
 - “the 2002 Act” means the Electoral Fraud (Northern Ireland) Act 2002(8);
 - “the 2006 Act” means the Electoral Administration Act 2006;
 - “available for inspection” means available for inspection during ordinary office hours;
 - “British Council employee” means a person employed by the British Council in a post outside the United Kingdom;
 - “candidate” has the same meaning as section 118A of the 1983 Act(9);
 - “copy of a birth certificate” means—
 - (a) in relation to a birth certificate issued in Northern Ireland, a certified copy of a birth entry issued by the Registrar General of Births and Deaths in Northern Ireland;
 - (b) in relation to a birth certificate issued in England or Wales, a certified copy of a birth entry issued by the Registrar General for England and Wales;
 - (c) in relation to a birth certificate issued in Scotland, an extract of a birth entry issued by the Registrar General of Births, Deaths and Marriages for Scotland; and
 - (d) in relation to a birth certificate issued elsewhere, a copy certified by the issuing authority;
 - “Crown servant” means a person who is employed in a post falling within the class or description set out in regulation 16;
 - “data” means information which is recorded with the intention that it should be processed by means of equipment operating automatically in response to instructions given for that purpose;
 - “edited register” has the meaning given in regulation 93(1);
 - “elections rules” means the parliamentary elections rules in Schedule 1 to the 1983 Act;
 - “European Parliamentary overseas elector” means a peer who has made a European Parliamentary overseas elector’s declaration and is registered or is entitled to be registered in pursuance of it;
 - “European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 14 of, and Schedule 4 to, these Regulations;
 - “full register” has the meaning given in regulation 93(1);

(4) 1962 c.14 (N.I.).

(5) 1985 c.50.

(6) 1989 c.3.

(7) 2000 c.2.

(8) 2002 c.13.

(9) Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000 (c.41).

“list of overseas electors” means the list prepared under regulation 53;

“local elector” and “local election” have the same meaning as in section 130(1) of the 1962 Act;

“Miscellaneous Provisions Act” means the Northern Ireland (Miscellaneous Provisions) Act 2006(10);

“overseas elector” means a person who has made an overseas elector’s declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

“specified authorities” means authorities set out in regulation 42(2);

“specified information” means information set out in regulation 42(3) to (6);

“register” means the register of electors;

“registration area” means the area covered by a particular register; and

“registration officer” means the electoral registration officer.

(2) A reference in these Regulations to a form identified by means of an alphabetical letter shall be construed as a reference to the form so identified in Schedule 3 to these Regulations.

(3) Any reference in these Regulations to a provision of the 1983 Act which has been applied by section 2(1) of, and Schedule 1 to, the 1989 Act (11) shall include a reference to that provision as so applied and with any modifications specified in Part II of that Schedule.

Forms

4.—(1) The registration officer shall supply free of charge as many forms for use in connection with registration and voting as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with the registration of electors or an election.

(2) The forms set out in Schedule 3 to these Regulations may be used with such variations as the circumstances may require, provided that the form used is substantially to the like effect as the form in Schedule 3.

Communication of applications, notices etc.

5. The requirement in these Regulations that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

Electronic signatures and related certificates

6.—(1) A requirement in these Regulations for an application (other than an application under regulation 13, 27 or 55), notice, representation or objection to be signed is satisfied (as an alternative to a signature given by hand) where there is—

- (a) an electronic signature incorporated into or otherwise logically associated with a particular electronic communication; and
- (b) the certification by any person of such a signature.

(10) 2006 c.33.

(11) Schedule 1 has been amended by Schedule 3 to the 2000 Act, section 7 of the 2002 Act and Schedule 4 to the Miscellaneous Provisions Act.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication, or both; and
- (b) purports to be so incorporated or associated with the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature;
- (b) a means of producing, communicating or verifying the signature; or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Copies of documents

7.—(1) Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand-written or by other means) of the whole or any part of it.

- (2) Paragraph (1) does not apply to the full register.
- (3) A person inspecting the full register may not—
 - (a) make copies of any part of it; or
 - (b) record any particulars included in it,

otherwise than by means of hand-written notes.

(4) A person who inspects the full register and makes a copy of it or records any particulars included in it otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (5) In this regulation “full register” includes—
 - (a) any part of it; and
 - (b) any notice published under section 13A(2) or 13BA(3),(6) or (9) of the 1983 Act⁽¹²⁾ altering the register.

Time

8.—(1) Where the day or last day of the time allowed by these Regulations for the doing of anything falls on any of the days mentioned in paragraph (3), that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 61(5), in computing any period of not more than 7 days for the purposes of these Regulations any of the days mentioned in paragraph (3) shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) are a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday.

(4) In paragraph (3) “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹³⁾ in Northern Ireland.

⁽¹²⁾ Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act and section 13BA was inserted by section 6 of the Miscellaneous Provisions Act.

⁽¹³⁾ 1971 c.80.

Official poll card at parliamentary elections

- 9.—(1) The following forms are prescribed for the purpose of rule 28(3)(14) of the elections rules.
- (2) The official poll card issued to an elector shall be in Form A.
 - (3) The official poll card issued to the proxy of an elector shall be in Form B.

Return and declaration of election expenses

10.—(1) For the purpose of section 75(3) of the 1983 Act, the form of the return of election expenses shall be in Form C and the form of the declaration as to elections expenses shall be in Form D.

(2) The price of a copy of any such return, declaration or any accompanying document shall be at the rate of 20p for each side of each page.

Interference with notices etc.

11. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the Chief Electoral Officer in connection with his statutory duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

Device referred to in rule 29(3A)(b) of elections rules

12.—(1) The device referred to in rule 29(3A)(b) of the elections rules(15) shall be of the description set out in this regulation.

(2) The device must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(3) On the right-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (4) to (7).

(4) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the particulars of the candidates on which the vote is to be marked (“the relevant space”).

(5) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(6) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(7) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

Applications for an electoral identity card

13.—(1) A person may apply for an electoral identity card under section 13C(16) of the 1983 Act if he falls within either of the descriptions of person set out in paragraph (2).

(2) Those descriptions are—

- (a) a person who is registered in a register of parliamentary or local electors in Northern Ireland; or

(14) Sub-paragraphs (3)(d) and (e) of rule 28 were inserted by paragraph 70 of Schedule 1 to the 2006 Act.

(15) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(16) Section 13C was inserted by section 4 of the 2002 Act.

- (b) a person who applies to be so registered at the same time as he applies for an electoral identity card.
 - (3) An application for an electoral identity card must state—
 - (a) the applicant’s full name and date of birth;
 - (b) the address in respect of which he is registered as an elector or in respect of which he applies to be so registered; and
 - (c) his national insurance number, if any,
- and be signed by the applicant.

Registration of European parliamentary overseas electors

14.—(1) A peer who, apart from the requirement of registration, is entitled by virtue of section 3 of the 1985 Act⁽¹⁷⁾ to vote as an elector at a European parliamentary election in the electoral region of Northern Ireland is entitled to be registered in a register under section 3 of that Act, prepared and published by the registration officer in accordance with this regulation and the provisions applied by it.

- (2) It is the duty of the registration officer appointed under section 8(4) of the 1983 Act to—
 - (a) prepare and publish a register under section 3 of the 1985 Act (which under subsection (7) of that section shall so far as practicable be combined with the register of parliamentary and local electors) in respect of any year for which any peer to whom paragraph (1) applies is entitled to be registered; and
 - (b) to take reasonable steps to obtain information required by him for that purpose.
- (3) The provisions of the 1983 Act and the 1985 Act which are set out in column 1 of Schedule 4 to these Regulations shall, subject to—
 - (a) any modifications and exceptions specified in relation to those provisions in column 2 of the Schedule, and
 - (b) paragraph (4),

apply for the purposes of the registration of peers who (subject to the requirement of registration) are entitled to vote at a European parliamentary election as they apply for the purpose of the registration of parliamentary electors.

- (4) Unless the context otherwise requires, in the provisions applied by Schedule 4 to these Regulations—
 - (a) any reference to an overseas elector’s declaration shall be construed as a reference to a European Parliamentary overseas elector’s declaration;
 - (b) any reference to a constituency shall be construed as a reference to the electoral region of Northern Ireland;
 - (c) any reference to a register of parliamentary electors shall be construed as a reference to a register kept under section 3 of the 1985 Act and any reference to the register of local electors shall be disregarded; and
 - (d) any reference to a provision which is also applied by Schedule 4 to these Regulations shall be construed as a reference to such a provision as so applied.
- (5) Regulations 3, 5 to 8, 11, 20 to 24, 26, 28 to 40, 44(2), 47 to 52 and 53 shall apply to a European Parliamentary overseas elector’s declaration and registration in pursuance of it as they apply to an overseas elector’s declaration and registration in pursuance of it.

⁽¹⁷⁾ Sections 2 and 3 were substituted by Schedule 2 to the 2000 Act.

(6) For the purposes set out in paragraph (5), those regulations shall, unless the context otherwise requires, have effect as if—

- (a) any reference to a parliamentary elector is a reference to a peer entitled to vote at a European Parliamentary election under section 3 of the 1985 Act;
- (b) any reference to an overseas elector is a reference to a European Parliamentary overseas elector;
- (c) any reference to an overseas elector’s declaration is a reference to a European Parliamentary overseas elector’s declaration; and
- (d) any reference to a provision which is applied by Schedule 4 to these Regulations is a reference to that provision as so applied.

(7) A register under section 3 of the 1985 Act may be published by means of a notice making additions to the registers of parliamentary electors and of local electors with which it must be combined.

Amendment of rule 37(1E) of the elections rules

15. Rule 37(1E) of the elections rules(18) is amended as follows—

- (a) in sub-paragraph (a) omit “current”;
- (b) in sub-paragraph (b) omit “current”;
- (c) in sub-paragraph (h) for “a current” substitute “an”;
- (d) at the end of paragraph (1E) omit “Article 12 of”;
- (e) after sub-paragraph (i) insert—
 - “(j) a Blind Person’s SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (k) a War Disabled SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002.”.

PART 2

SERVICE AND OVERSEAS ELECTORS’ DECLARATIONS

Service declarations

Qualification for Crown servant

16. The class or description of person prescribed for the purposes of section 14(1)(b) of the 1983 Act are such persons (other than members of the forces within the meaning of section 59(1) of the 1983 Act) who are employed in the service of the Crown in a post outside the United Kingdom and who are required to devote their whole working time to the duties of such a post and whose remuneration in respect of that post is paid wholly out of money provided by Parliament.

(18) Rule 37 of the elections rules was substituted for England, Wales and Scotland by section 47 of, and paragraph 75 of Schedule 1 to, the Electoral Administration Act 2006. However, this substitution did not extend to Northern Ireland (see paragraph 75(2) of Schedule 1 to the 2006 Act). Paragraphs (1A) to (1G) were inserted for Northern Ireland by section 1 of the Elections (Northern Ireland) Act 1985 (c.2). Sub-paragraph (1E)(a) was substituted, and sub-paragraphs (1E)(c) to (g) were repealed, by S.I.2003/1156. Sub-paragraphs (1E)(f) and (g) were substituted for Northern Ireland by regulation 14 of S.I.2001/400. Sub-paragraph (1E)(h) was inserted in relation to Northern Ireland by section 4 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Sub-paragraph (1E)(i) was inserted in relation to Northern Ireland by S.I.2002/1873. In paragraph (1E) from the words “in sub-paragraph (a)” to “being in force” were substituted by S.I.2003/1156.

Contents of service declaration

17.—(1) In addition to the matters specified in paragraphs (a) to (f) of section 16 of the 1983 Act(19), a service declaration shall state—

- (a) the declarant’s full name and present address;
- (b) the ground on which the declarant claims a service declaration; and
- (c) such of the particulars specified in paragraphs (2), (3) or (4) as are relevant to the service qualification claimed by the declarant.

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of such a member, the service declaration shall state—

- (a) the service (whether naval, military or air forces) in which that member serves;
- (b) the rank or rating of that member; and
- (c) the service number of that member,

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

(3) Where the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 16 applies or the spouse or civil partner of such a servant, the service declaration shall state—

- (a) the name of the Government department in which that servant works; and
- (b) a description of the post of that servant.

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse or civil partner of such an employee, the service declaration shall state a description of the post of that employee.

Transmission of service declaration

18.—(1) A service declaration made by a person who is or will be a Crown servant or by his spouse or civil partner shall be transmitted by the declarant to the Government department in which that person or his spouse or civil partner is or will be employed or to an officer designated by that department and transmitted by that department or officer to the registration officer.

(2) A service declaration made by a person who is or will be a British Council employee or by his spouse or civil partner shall be transmitted by the declarant to the British Council and transmitted by the British Council to the registration officer.

Notification by registration officer in respect of service declaration

19.—(1) Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of a service declaration because it—

- (a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the 1983 Act and regulation 17; or

(19) Section 16 was amended by Schedule 1 to the 2000 Act, S.I. 1995/1948 and section 261(1) of, and paragraph 81 of Schedule 27 to, the Civil Partnership Act 2004 (c.33).

- (b) does not comply with the requirements of sections 14 and 15 of the 1983 Act(20) or, where appropriate, regulation 17 or 18,

he shall return the declaration to the declarant setting out his reasons for so doing.

Overseas elector's declarations

Contents of overseas elector's declaration

20.—(1) In addition to the information required by section 2(3)(a) to (d) and (4) of the 1985 Act(21), an overseas elector's declaration shall state the declarant's full name and present address and, where appropriate, the information required by paragraphs (2) to (7).

(2) If the declarant—

- (a) was last registered in pursuance of a service or other declaration, rather than actual residence at the address specified in pursuance of section 2(4)(b) of the 1985 Act; and
(b) no longer had a connection with that address at the time at which he was so registered,

the declaration shall include a statement that the declarant was so registered.

(3) If the declarant claims that his name has changed since he was last registered in respect of the address specified in the overseas elector's declaration in accordance with section 2(4)(b) of the 1985 Act, that declaration shall—

- (a) set out the name in respect of which the declarant was last previously registered; and
(b) give the reason for the change of name.

(4) Where a declarant—

- (a) has on a previous occasion been registered in a register of parliamentary electors in pursuance of an overseas elector's declaration; and
(b) has not, since being so registered, been registered in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom,

his overseas elector's declaration shall state those facts and indicate when he was last registered in pursuance of an overseas elector's declaration.

(5) For the purposes of the application of this regulation by regulation 14(5), paragraph (4) shall have effect as if, in addition to the modifications made by that regulation, the words "a register of local electors" were substituted for the words "such a register".

(6) Where a declarant has not made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors since being included in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom, or has never made such a declaration, his overseas elector's declaration shall state—

- (a) in the case of a declarant who is the bearer of a British passport which describes his national status as "British citizen", the number of that passport together with its date and place of issue; or
(b) in the case of a declarant who is not the bearer of such a passport, but who was born in the United Kingdom before 1st January 1983, those facts; or

(20) Sections 14 and 15 were amended by Schedule 1 to the 2000 Act; section 14 was amended by section 261(1) of, and paragraph 80 of Schedule 27 to, the Civil Partnership Act 2004 (c.33) and section 15(5)(a) was amended by S.I.1995/1948, section 15(2)(aa) was inserted by section 12(7) of the 2006 Act and subsections (9) to (12) were inserted by section 13 of that Act.

(21) Section 2 was substituted by Schedule 2 to the 2000 Act and amended by section 12(9) of the 2006 Act.

- (c) in the case of a declarant who is not the bearer of such a passport and who was not born in the United Kingdom before 1st January 1983, when and how he acquired the status of British citizen, together with the date, place and country of his birth.

(7) For the purposes of the application of this regulation by regulation 14(5), paragraph (6) shall have effect as if, in addition to the modifications made by that regulation, the words “a register of local electors” were substituted for the words “such a register”.

(8) Where, in the case of a declarant to whom regulation 21 applies (and who is accordingly required to transmit a copy of his birth certificate together with his declaration), his name on his birth certificate is not the same as his name as given in his overseas elector’s declaration, that declaration shall state the reason for the change of name.

(9) Where a declarant to whom regulation 21 applies relies on the registration of either—

- (a) a parent whose name in the register referred to in section 1(4)(c) of the 1985 Act⁽²²⁾ is not the same as the name of that parent as given in either the declarant’s birth certificate or overseas elector’s declaration in accordance with section 2(4)(c)(iii) of the 1985 Act; or
- (b) a guardian whose name in the register referred to in section 1(4)(c) of the 1985 Act is not the same as the name of that guardian as given in the declarant’s overseas elector’s declaration in accordance with section 2(4)(c)(iii) of the 1985 Act,

that declaration shall state the name of the parent or, as the case may be, guardian as given in the register referred to in section 1(4)(c) and, where known, the reason for the change of name or, where such reason is not known, a statement to that effect.

(10) For the purposes of the application of this regulation by regulation 14(5), paragraph (9) shall have effect as if, in addition to the modifications made by that regulation, the words “section 3(4)(c)” were substituted for the words “section 1(4)(c)”, in each place where those words occur.

Certain declarants to supply copy of birth certificates

21.—(1) This regulation applies to a person who makes an overseas elector’s declaration in which he claims to be qualified as an overseas elector by virtue of the conditions set out in section 1(4) of the 1985 Act, and who has not on a previous occasion made an overseas elector’s declaration in pursuance of which he was registered in a register of parliamentary electors.

(2) For the purposes of the application of this regulation by regulation 14(5), paragraph (1) shall have effect as if, in addition to the modifications made by that regulation, the words “section 3(4)” were substituted for the words “section 1(4)”.

(3) Where this regulation applies, a declarant shall transmit together with his overseas elector’s declaration a copy of his birth certificate which shows the names of either or both of his parents as well as his date of birth.

Attestation of certain overseas electors’ declarations

22.—(1) An overseas elector’s declaration shall be attested in accordance with the following paragraphs of this regulation except—

- (a) where the declarant has on a previous occasion made such a declaration in pursuance of which he was registered in a register of parliamentary electors; and
- (b) since being so registered, he has not been included in any register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom.

(22) Section 1 of the 1985 Act was substituted by Schedule 2 to the 2000 Act.

(2) For the purposes of the application of this regulation by regulation 14(5), paragraph (1) shall have effect as if, in addition to the modifications made by that regulation, the word “local” were substituted for the word “parliamentary” in the second place where it occurs.

(3) An overseas elector’s declaration shall be attested by the bearer of a British passport which describes his national status as a “British citizen” who—

- (a) is not resident in the United Kingdom;
- (b) is aged 18 years or over; and
- (c) is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the declarant.

(4) A person shall not attest an overseas elector’s declaration unless he is satisfied, to the best of his knowledge and belief, that the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration.

(5) A person attesting an overseas elector’s declaration shall record on it—

- (a) his full name and address;
- (b) that he is the bearer of a British passport which describes his national status as a “British citizen”, and the number of that passport together with its date and place of issue;
- (c) that he is aged 18 years or over;
- (d) that he is not resident in the United Kingdom on the date of the declaration;
- (e) that he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the declarant; and
- (f) that, to the best of his knowledge and belief, the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration,

and he shall sign the attestation.

Notification about registration as overseas elector

23.—(1) Where the registration officer is satisfied that the declarant qualifies as an overseas elector under the provisions of sections 1 and 2 of the 1985 Act, he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector’s declaration because—

- (a) in his opinion the declarant does not qualify as an overseas elector under section 1 of the 1985 Act, or
- (b) the declaration does not satisfy the requirements of section 2 of the 1985 Act or regulation 20 or 22, or
- (c) in the case of a person to whom regulation 21 applies, the requirement in that regulation has not been complied with,

he shall return the declaration to the declarant and set out his reasons for rejecting the application for registration.

(3) For the purposes of the application of this regulation by regulation 14(5), paragraphs (1) and (2) shall have effect as if, in addition to the modifications made by that regulation—

- (a) in paragraph (1), for the words “sections 1 and 2” there were substituted the words “sections 2 and 3”, and
- (b) in paragraph (2), for the words “section 1” there were substituted the words “section 3”.

PART 3

REGISTRATION

Information about electors

Power to require information

24.—(1) The registration officer may require any person to give such information or documentation as is required for the purposes of that officer's duties in maintaining registers of parliamentary and local electors.

(2) The registration officer may specify the form in which any information required under paragraph (1) is to be provided.

(3) If any person fails to comply with any such requirement of the registration officer as is mentioned in this regulation, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Alteration of registers under section 13BA(3) of the 1983 Act

25.—(1) For the purposes of section 13BA(3) of the 1983 Act the prescribed date is the eleventh day before the day of the poll.

(2) For the purposes of section 13BA(3) of the 1983 Act, the additional supporting material is such of the original documents as are specified in paragraphs (3) to (6) as the registration officer may require.

(3) The documents which the registration officer may require in relation to the date of birth of the applicant are as follows—

- (a) a birth certificate;
- (b) a statutory declaration as to the applicant's date of birth;
- (c) a certificate of naturalisation;
- (d) a document showing that he has become a Commonwealth citizen by virtue of registration;
- (e) a statutory declaration that he is a qualifying Commonwealth citizen or citizen of Ireland or a relevant citizen of the Union;
- (f) a licence to drive a motor vehicle which bears a photograph of the applicant;
- (g) an electoral identity card issued under section 13C(23) of the 1983 Act;
- (h) a Senior SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (i) a Blind Person's SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (j) a War Disabled SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (k) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Standards Scheme;
- (l) an identity card issued by a Member State of the European Union;
- (m) a marriage certificate;
- (n) a certificate of civil partnership;

(23) Section 13C was inserted by section 4 of the 2002 Act.

- (o) a passport; and
 - (p) a certificate of adoption.
- (4) The documents which the registration officer may require in relation to the nationality of the applicant at the time of the application are as follows—
- (a) a birth certificate;
 - (b) a certificate of naturalisation;
 - (c) a document showing that he has become a Commonwealth citizen by virtue of registration;
 - (d) a statutory declaration that he is a qualifying Commonwealth citizen or citizen of Ireland or a relevant citizen of the Union; and
 - (e) a passport issued by the Government of the United Kingdom, the Government of Ireland or a Member State of the European Union or a Commonwealth country.
- (5) The documents which the registration officer may require in relation to the address of the applicant at the time of the application are such of the following documents which have been issued within the three months preceding the date of the application—
- (a) a licence to drive a motor vehicle which bears a photograph of the applicant;
 - (b) a bill or statement of account issued in respect of the supply of gas, water, electricity or telecommunications services to premises at an address specified in the statement;
 - (c) a statement issued by a bank or building society relating to an account held at that bank or building society;
 - (d) a bill or statement of account issued by Land and Property Services (meaning that part of the Department of Finance and Personnel for Northern Ireland known as Land and Property Services Executive Agency)(**24**);
 - (e) a bill or statement of account issued in respect of a debit or credit card by a bank or building society;
 - (f) a statement issued by a bank or building society in relation to a mortgage; and
 - (g) a bill or statement issued by a Credit Union within the meaning of article 2 of the Credit Unions (Northern Ireland) Order 1985(**25**).
- (6) The documents which the registration officer may require to demonstrate that the applicant has been resident in Northern Ireland during the whole of the period of three months ending on the relevant date within the meaning of section 4 of the 1983 Act are such of the following documents which have been issued not less than three months and not more than six months before the date of the application—
- (a) a licence to drive a motor vehicle which bears a photograph of the applicant;
 - (b) a bill or statement of account issued in respect of the supply of gas, water, electricity or telecommunications services to premises at an address specified in the statement;
 - (c) a statement issued by a bank or building society relating to an account held at that bank or building society;
 - (d) a bill or statement of account issued by Land and Property Services (meaning that part of the Department of Finance and Personnel for Northern Ireland known as Land and Property Services Executive Agency);
 - (e) a bill or statement of account issued in respect of a debit or credit card by a bank or building society; and
 - (f) a statement issued by a bank or building society in relation to a mortgage.

(24) The Department was so named by the Departments (Northern Ireland) Order 1999 (S.I.1999/283 (N.I.1)).

(25) S.I. 1985/1205 (N.I. 12).

Reminders to electors registered pursuant to a declaration

26.—(1) This regulation applies in respect of a person registered in pursuance of—

- (a) a service declaration;
- (b) a declaration of local connection; or
- (c) an overseas elector’s declaration.

(2) Subject to paragraph (4), the registration officer shall, during the relevant period, send a person to whom this regulation applies a reminder of the need to make a fresh declaration if he wishes to remain registered as an elector in pursuance of such a declaration.

(3) In paragraph (2) the “relevant period” means—

- (a) except in cases to which sub-paragraph (b) applies, the period beginning nine months after the date when the existing entry in the register of the person in question first takes effect and ending ten months after that date;
- (b) in the case of a person mentioned in section 14(1)(a) or (d) of the 1983 Act (members of the forces and their spouses or civil partners registered via the service declaration procedure), the period beginning 33 months after the date when the existing entry in a register of the person in question first takes effect and ending 34 months after that date.

(4) Paragraph (2) does not apply in respect of a person to whom this regulation applies where—

- (a) the registration officer has already received from that person a fresh declaration; or
- (b) information which the registration officer has received indicates that that person is no longer entitled to make the relevant declaration.

Applications for registration

27.—(1) An application for registration as a parliamentary or local elector (or both) under section 10A(1)(a) or 13A(1)(a) of the 1983 Act⁽²⁶⁾(“an application for registration”) shall, in addition to the requirements of section 10A(1A) and 13A(2A) of that Act⁽²⁷⁾, state—

- (a) the applicant’s full name;
- (b) the address in respect of which the applicant applies to be registered and at which he is resident on the date of the application;
- (c) any address in respect of which the applicant is currently registered as an elector, if he has ceased to reside at that address;
- (d) in the case of an applicant who has not attained the age of 18 years, his date of birth;
- (e) in the case of an applicant who is a merchant seaman within the meaning of section 6 of the 1983 Act, that fact; and
- (f) in the case of an applicant who wishes his name and address to be omitted from the edited version of the register, that request.

(2) In the case of a person applying to be registered as a parliamentary or local elector (or both) in pursuance of a service declaration, a declaration of local connection or an overseas elector’s declaration, the declaration in question shall accompany the application.

(3) An application for registration shall include a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph(1) are true;
- (b) subject to paragraph (5), in the case of an application by a relevant citizen of the Union for registration as a local elector, he is such a citizen; and

⁽²⁶⁾ Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

⁽²⁷⁾ Sections 10A(1A) and 13A(2A) were inserted by section 1 of the 2002 Act.

- (c) in any other case, but subject to paragraph (5), he is a Commonwealth citizen or citizen of Ireland.
- (4) An application for registration shall be made in writing to the registration officer and be signed and dated by the applicant.
- (5) Paragraph (3)(b) and (c) does not apply to persons applying to be registered in pursuance of a service declaration or an overseas elector's declaration.
- (6) Where the registration officer provides the form on which an application for registration is made, the form of words in Schedule 5 or a form of words with substantially like effect with such variations as the registration officer may consider appropriate must form part of, or accompany, the application form.
- (7) Where an application for registration is made otherwise than on a form provided by the registration officer, that officer must on or before the determination of the application send to the applicant the form of words in Schedule 5 or a form of words with substantially like effect and request the applicant to state within 21 days beginning with the date of that request if he wishes his name and address to be excluded from the edited version of the register.
- (8) Where an applicant has not replied to the registration officer within 21 days beginning with the date on which the registration officer issued the request under paragraph (7), the registration officer shall assume that the applicant does not request his name and address to be excluded from the edited version of the register.
- (9) Where an applicant has replied making such a request within that period, the request shall be treated as part of the application for registration.

Objections to registration

- 28.**—(1) Any objection to a person's registration shall state—
- (a) the name of the person against whom the objection is made;
 - (b) in the case of an objection made before that person is entered in the register, the address of that person as given in the application for registration;
 - (c) in the case of an objection made after that person is entered in the register, the electoral number and qualifying address of that person contained in the register;
 - (d) the grounds of the objection;
 - (e) the name of the objector and his address as shown in the register (if so shown) together with the address to which correspondence should be sent (if that address is different or if no address is shown in the register); and
 - (f) the electoral number of the objector.
- (2) An objection shall be made in writing and be signed and dated by the person objecting.
- (3) In this Part of these Regulations "objection" includes representations made against an application for registration under section 13A(1)(a) of the 1983 Act.

Inspection of applications and objections

- 29.** An application for registration and any objections to a person's registration shall be made available for inspection at the registration officer's office until the application or objection has been determined by the registration officer.

Determination of applications and objections

Procedure for determining applications for registration and objections without a hearing

30.—(1) The registration officer shall discharge his functions of determining an application for registration under section 10A(1)(a) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act in accordance with this regulation and regulations 31 to 33.

(2) The registration officer must keep separate lists of—

- (a) applications for registration;
- (b) objections made before the person against whom the objection is made is entered in the register;
- (c) objections made after the person against whom the objection is made is entered in the register.

(3) On receipt of an application the registration officer must enter the name of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).

(4) On receipt of an objection made before the person against whom the objection is made is entered in the register, the registration officer must enter—

- (a) in the list he keeps in pursuance of paragraph (2)(b), the name and qualifying address of the objector together with the particulars referred to in paragraph (3); and
- (b) in the list he keeps in pursuance of paragraph (2)(a), the particulars of the objection.

(5) On receipt of any other objection, the registration officer must enter the name and qualifying address of the objector together with the particulars referred to in paragraph (3) in the list he keeps in pursuance of paragraph (2)(c).

(6) The registration officer may ask for further information and take no further action until such information is supplied, if he is of the opinion that the particulars given in the application or objection are insufficient.

(7) The registration officer may allow an application without a hearing provided that no objection is made within five days beginning with the day following the entry of the application in the list of applications.

(8) The registration officer may disallow an objection if he is of opinion that the objector is not entitled to object and he shall so inform the objector.

(9) The registration officer may disallow an objection without a hearing if he is of the opinion that the objection is clearly without merit.

(10) Where the registration officer disallows an objection under paragraph (9), he must send to the objector a notice stating that the objection has been disallowed on that basis and the grounds for his opinion.

(11) An objector may require the objection to be heard by giving notice to the registration officer within three days from the date of the notice given under paragraph (10).

(12) A notification under paragraph (11) is not to prevent the application to which the objection relates from being allowed.

(13) The registration officer may send to the applicant or objector a notice stating his opinion that an application or objection cannot be allowed because—

- (a) the matter has been concluded by the decision of a court, or
- (b) the particulars given in the application or objection do not entitle the applicant or objector to succeed.

(14) In cases to which paragraph (13) applies, the registration officer shall state the grounds for his opinion and that he intends to disallow the application or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the application or objection to be heard; and if he receives no such notice within that time, he may disallow the application or objection.

(15) In this regulation "qualifying address" includes the address specified in an overseas elector's declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(28).

Notice of hearing

31.—(1) The registration officer shall, unless he allows the application or disallows the objection under regulation 30, send a notice—

- (a) in the case of an application, to the person making the application; and
- (b) in the case of an objection, to the objector and person against whom an objection is made.

(2) A notice issued under paragraph (1) shall state—

- (a) the time and place at which he proposes to hear the application or objection;
- (b) the name and address of the objector and the grounds of the objection (in the case of the notice sent to the person against whom an objection is made).

(3) The time fixed for the hearing of an application or objection shall not be earlier than the third day or later than the seventh day after the date of the notice referred to in paragraph (1).

Hearing of applications and objections

32.—(1) The persons entitled to appear and be heard are as follows—

- (a) on an application, the applicant;
- (b) on an objection, the objector and the person against whom an objection is made;
- (c) on an application or an objection, any other person who appears to the registration officer to be interested.

(2) The right to appear and be heard includes the right to make written representations.

(3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.

(4) The registration officer may, at the request of any person entitled to appear and be heard or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer the oath for that purpose.

Objections relating to applications which have been allowed, but before alterations to the register have taken effect

33.—(1) This regulation applies where—

- (a) an application for registration has been allowed (whether without or following a hearing), and
- (b) either—
 - (i) an objection is later made to that application; or
 - (ii) an objector whose objection in respect of that application has been disallowed in pursuance of regulation 30(9) notifies the registration officer, in accordance with regulation 30(11), that he requires the objection to be heard; and

(28) Section 2 was substituted by paragraph 3 of Schedule 2 to the 2000 Act (c.2).

(c) no alteration to the register has yet taken effect in respect of that application by virtue of section 13(5) or 13A(2) of the 1983 Act **(29)**.

(2) Where the registration officer—

- (a) is able to determine the objection before the alteration to the register is due to take effect, and
- (b) allows the objection,

the application is to be treated as if it had been disallowed.

(3) Where the registration officer is not able to determine the objection before the alteration to the register is due to take effect, the objection is to be treated as if it was made after the person against whom it is made is entered in the register.

(4) Where paragraph (3) applies, the registration officer must transfer the entry relating to the objection from the list he keeps in pursuance of paragraph (2)(b) of regulation 30 to the list he keeps in pursuance of paragraph (2)(c) of that regulation.

Other determinations by registration officer of entitlement to registration

34.—(1) The registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 35 to 38.

(2) The functions specified in this paragraph are—

- (a) determining, under the following provisions, whether a person was entitled to be registered—
 - (i) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), and 15(2)(aa) of the 1983 Act, **(30)** and
 - (ii) section 2(2)(aa) of the 1985 Act **(31)**;
- (b) determining under section 10A(5)(b) of the 1983 Act **(32)** whether a person—
 - (i) was entitled to be registered;
 - (ii) has ceased to be resident at the address in respect of which he is entered in the register or otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act **(33)**.

Summary procedure for determining in specified circumstances whether a person has ceased to satisfy conditions for registration

35.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 34(2)(b)(ii) without following the procedure set out in regulations 36 to 38.

(2) The circumstances specified in this paragraph are where the registration officer—

- (a) has received an application under regulation 27 which includes a statement to which paragraph (1)(c) of that regulation refers;
- (b) has received a notification under regulation 46;

(29) 1983 c.2; sections 13, 13A and 13B were substituted by paragraph 6 of Schedule 1 to the 2000 Act (c.2); and section 13B has been amended by section 11 of the 2006 Act but these amendments do not extend to Northern Ireland.

(30) Section 7 was substituted by, and sections 7A to 7C were inserted by, respectively, sections 4, 5 and 6 of the 2000 Act (c.2). Section 15(2) was substituted by paragraph 8(2) of Schedule 1 to that Act. Sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa) and 15(2)(aa) were inserted by, respectively, section 12(1), (2), (3) and (7) of the 2006 Act (c.22).

(31) 1985 c. 50; section 2 was substituted by paragraph 3 of Schedule 2 to the 2000 Act; subsection (2)(aa) was inserted by section 12(9) of the 2006 Act.

(32) Section 10A was substituted together with section 10 for section 10 as originally enacted by paragraph 4 of Schedule 1 to the 2000 Act and subsection (5)(b) was substituted by section 12(5)(b) of the 2006 Act.

(33) Section 4 was substituted by section 1(2) of the 2000 Act.

- (c) has been given information by the elector that he has ceased to reside at the address in question or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;
 - (d) has been notified by a relative or executor of the elector or by the Registrar General of Births and Deaths in Northern Ireland or by the Senior Coroner for Northern Ireland that the elector has died;
 - (e) has been provided with information pursuant to regulation 41 that an elector has ceased to reside at the address in question;
 - (f) has been provided with information pursuant to regulation 41 that the national insurance number provided by the elector in his application for registration is incorrect.
- (3) In paragraph (2)—
- “elector” means a person who is duly entered in a register in respect of an address; and
 - “relative” means a spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Procedure for reviewing entitlement to registration

36.—(1) A registration officer may, for the purposes of making a determination of the nature specified in regulation 34(2), conduct a review in respect of a person entered in the register.

(2) Where the registration officer is not satisfied that the subject of the review is entitled to be registered, he must—

- (a) send to that person such notice, of a kind specified in paragraph (3), as he considers appropriate; and
 - (b) enter the review in the list kept in pursuance of regulation 37.
- (3) A notice is specified for the purposes of paragraph (2)(a) if it—
- (a) states that the registration officer is of the opinion that the subject of the review is not entitled to be registered and the grounds for his opinion;
 - (b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice; or
 - (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.
- (4) Where—
- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (3)(a); and
 - (b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(5) Paragraph (6) applies where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (3)(b); and
- (b) that person does not respond to the registration officer’s satisfaction, or at all, within 28 days beginning with the date of that notice.

(6) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person is entitled to be registered, and the grounds for his opinion.

(7) Where—

- (a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (6); and
- (b) the subject of the review does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard;

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(8) In making a determination under paragraph (4) or (7), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

(9) In this regulation and regulations 37 and 38—

“review” must be construed in accordance with paragraph (1); and

“the subject of the review” means the person in respect of whom the review is conducted.

List of reviews

37.—(1) The registration officer must keep a list of reviews.

(2) The list must contain, in relation to each review, the following particulars—

- (a) the full name of the subject of the review;
- (b) his electoral number;
- (c) his qualifying address; and
- (d) the reason for the review.

(3) The list must be made available for inspection at the registration officer’s office.

Hearings of reviews

38.—(1) Where the registration officer determines that a hearing of the review should be conducted, the notice given under regulation 36(3)(c) must also state the time and place at which he proposes to hear the review.

(2) Where the subject of the review requires the review to be heard, the registration officer must send to that person a notice stating the time and place at which he proposes to hear the review.

(3) The time fixed for the hearing must not be earlier than the third day after the date of the notice in which that time is stated.

(4) The persons entitled to appear and be heard are—

- (a) the subject of the review;
- (b) any other person who appears to the registration officer to be interested.

(5) Paragraphs (2) to (4) of regulation 32 apply to the hearing of a review as they apply to the hearing of an application for registration or objection.

(6) The registration officer may determine that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, despite the failure of that person (or any other person entitled to appear and be heard) to attend.

(7) In making a determination under paragraph (6), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

Registration appeals

- 39.**—(1) This regulation makes provision in connection with the right to appeal from—
- (a) the decision of the registration officer regarding an application for registration under section 58(1)(a) of the 1983 Act⁽³⁴⁾;
 - (b) the decision of the registration officer made under section 58(1)(b) of the 1983 Act in accordance with regulations 35 to 38 that a person was not entitled to be registered, or as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.
- (2) A person desiring to appeal must—
- (a) give notice of appeal to the registration officer and to the objector (if any) when the decision is given, or within 14 days thereafter; and
 - (b) specify the grounds of appeal.
- (3) The registration officer shall forward any such notice to the appropriate county court in accordance with the rules of court together with—
- (a) a statement of the material facts which in his opinion have been established in the case; and
 - (b) his decision upon the whole case and on any point which may be specified as a ground of appeal.
- (4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the appropriate county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Representations regarding clerical errors

- 40.**—(1) For the purposes of section 13BA(8)⁽³⁵⁾ of the 1983 Act a representation may be made orally or in writing.
- (2) Where a representation is made at a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the registration officer.

Requests for information

- 41.**—(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⁽³⁶⁾ 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.

⁽³⁴⁾ 1983 c.2; section 58 was substituted by Schedule 4 to the Miscellaneous Provisions Act 2006 (c.33).

⁽³⁵⁾ 1983 c. 3; section 13BA was inserted by section 6 of the Miscellaneous Provisions Act 2006.

⁽³⁶⁾ Paragraph 1(4B) of Schedule 2 to the 1983 Act was inserted by section 7 of the Miscellaneous Provisions Act.

- (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 the same information is made more than once, 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 previously disclosed which has been lost, destroyed or impaired during processing by the registration officer.

(7) Nothing in these Regulations shall be taken to require a specified authority or person mentioned in paragraph (1) to disclose information which came into their control before 6th June 2007⁽³⁷⁾.

Provision of information to the registration officer

42.—(1) The authorities set out in paragraph (2) are specified authorities for the purposes of regulation 41.

- (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;
 - (e) secondary schools within the meaning of article 2 of the Education and Libraries (Northern Ireland) Order 1986⁽³⁸⁾; and
 - (f) the Northern Ireland Housing Executive.

(3) For the purposes of regulation 41 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;

(37) The Representation of the People (Northern Ireland)(Amendment) Regulations 2007 (S.I.2007/1612)(“2007 Regulations”) amended the 2001 Regulations to make provision to enable the Chief Electoral Officer for Northern Ireland to request information from specified public authorities. The 2007 Regulations provided that these new powers did not require an authority to provide information which came into their possession before those Regulations came into force on 6th June 2007. These Regulations, which repeal and replace the 2007 Regulations maintain this position.

(38) S.I.1986/594 (N.I.3).

(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

43.—(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.

Notices in connection with registration

44.—(1) A notice under section 13(3) of the 1983 Act⁽³⁹⁾ must be published—

(a) not less than 14 days before the publication of the revised version of the register to which it relates;

(b) in a newspaper circulating in the area in which the registration officer acts, and

(c) by posting a copy of it at his office and in some conspicuous place or places in that area.

(2) A notice under section 13A(2) or 13BA(3),(6) or (9) of that Act must be issued by—

(a) making a printed copy of it available for inspection under supervision—

(i) at his office, and

(ii) at such places, if any, in the registration area as allow members of the public in that area reasonable facilities for that purpose;

(b) supplying copies of it in accordance with Part 6 of these Regulations;

(c) except in a case falling within regulation 35(2)(d), sending a copy of it to any person affected by its contents.

(3) For the purposes of section 13BA(7) and (8) of the 1983 Act, the prescribed time on the day of the poll is 7pm.

Communication of notices made on polling day

45.—(1) Where a notice is issued under section 13BA(3),(6) or (9) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the presiding officer.

(2) Such steps may include communicating the notice to the presiding officer by telephone.

(39) 1983 c.2; sections 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

(3) Where a notice issued under 13BA(3),(6) or (9) of the 1983 Act is communicated to a presiding officer by whatever means, the presiding officer must make a written record of that notice and forward it to the returning officer after the day of the poll.

Notice by registration officer of a change of address

46.—(1) This regulation applies where the registration officer receives an application for registration which includes a statement given in accordance with regulation 27(1)(c).

(2) Where the address given in the statement received by the Northern Ireland registration officer is in an area for which another registration officer (“the former registration officer”) acts, the Northern Ireland registration officer shall as soon as practicable notify the former registration officer that the applicant no longer resides in his area.

The register

Separate part of register for each parliamentary polling district

47. The register shall be framed in separate parts for each parliamentary polling district.

Different letter for each parliamentary polling district

48. There shall be a different alphabetical letter or letters in the register for each parliamentary polling district and such letter or letters shall be deemed to form part of an elector’s number in the register.

Qualifying addresses which are not included in the register

49.—(1) Section 9(2)(b) of the 1983 Act(**40**) (which requires each register of parliamentary or local electors to contain the qualifying addresses of the persons registered in it) does not apply—

- (a) to an address to which paragraph (2) or (4) applies; or
- (b) which is specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(**41**).

(2) This paragraph applies to an address given by—

- (a) a service voter in his service declaration; or
- (b) a person who has made a declaration of local connection,

to which the condition in paragraph (3) applies.

(3) The condition is that it appears to the registration officer that an address specified in paragraph (2) is an address—

- (a) at which the person making a declaration has resided; but
- (b) which is not an address at which he is or would be residing but for the circumstances entitling him to make such a declaration.

(4) This paragraph applies to an address given in a declaration of local connection in accordance with section 7B(4)(b) of the 1983 Act(**42**).

(40) 1983 c.2; section 9 was substituted by Schedule 1 to the 2000 Act. Section 9 has also been amended by sections 9, 10 and Part 1 of Schedule 1 to the 2006 Act. However, these amendments do not extend to Northern Ireland.

(41) 1985 c.50; section 2 was substituted by Schedule 2 to the 2000 Act (c.2).

(42) Section 7B was inserted by section 6 of the 2000 Act.

Order of names

50.—(1) Subject to paragraphs (2) and (3), the names and addresses of each separate part of the register shall be arranged in street order.

(2) If the registration officer determines for any part of the register that street order is not reasonably practicable, the names and addresses shall be arranged in alphabetical order or partly in street order and partly in alphabetical order.

(3) The name of any person whose qualifying address is not contained in a register by virtue of regulation 49 shall be grouped together in alphabetical order—

- (a) at the end of that part of the register to which the address relates;
- (b) beneath the heading “Other electors”; and
- (c) without giving that address.

Marking of names

51.—(1) Paragraphs (3) to (7) specify the marks to appear against a person’s name in the register to indicate that he is registered in one or more of the four registers (those of: parliamentary electors; local electors; relevant citizens of the Union registered as European Parliamentary electors; and peers overseas registered as European Parliamentary overseas electors) which are required to be combined.

(2) Where no mark appears against a person’s name in the register of electors, this indicates that he is registered in the registers of parliamentary and local electors.

(3) To indicate that a relevant citizen of the Union is registered only in the register of local electors, the letter “G” shall be placed against his name.

(4) To indicate that such a citizen is registered in both that register and the register of such citizens registered as European Parliamentary electors, the letter “K” shall be placed against his name.

(5) To indicate that any other person is registered only in the register of local electors, the letter “L” shall be placed against this name.

(6) To indicate that an overseas elector is registered only in the register of parliamentary electors, the letter “F” shall be placed against his name.

(7) To indicate that a European Parliamentary overseas elector is registered only in the register of such electors, the letter “E” shall be placed against his name.

Publication of register

52.—(1) The manner in which each revised version of the full register is to be published under section 13(1) or (3) of the 1983 Act⁽⁴³⁾ is by the registration officer—

- (a) making a printed copy of it available for inspection under supervision—
 - (i) at his office; and
 - (ii) at such places, if any, in each registration area as allow members of the public in that area reasonable facilities for that purpose; and
- (b) supplying copies of it in accordance with Part 6 of these Regulations.

(2) The revised version of the register shall be kept published until the coming into force of the next revised version of it.

⁽⁴³⁾ Section 13 was substituted by Schedule 1 to the 2000 Act (c.2) and subsection (1) was substituted by section 5 of the *Miscellaneous Provisions Act (c.33)*.

Preparation and publication of list of overseas electors

53.—(1) The registration officer shall prepare a list of the names of each person who appears to him to be entitled to be registered in pursuance of an overseas elector’s declaration (“the list of overseas electors”); and shall include in that list the address specified in that declaration in accordance with section 2(4) of the 1985 Act and regulation 20(1).

(2) In respect of each constituency there shall be a separate part of the list of overseas electors; and the names of the persons included in each part shall be listed in alphabetical order.

(3) At the time when the registration officer publishes a revised version of the register under section 13(1) of the 1983 Act, he shall publish the list of overseas electors by making a copy of it available for inspection under supervision at his office; and the list shall be kept so published until the next revised version of the register is published under section 13(1) of the 1983 Act.

(4) The name of a person appearing to the registration officer to be entitled to be registered in pursuance of a European Parliamentary overseas elector’s declaration (and included in the list of overseas electors by virtue of regulation 14(5)) shall be marked with the letter “E”.

PART 4

ABSENT VOTERS

Interpretation of Part 4

54. In this Part—

“his allotted polling station” in relation to an elector means the polling station allotted or likely to be allotted to him under the elections rules; and

one person is “related” to another if he is the spouse or civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

General requirements for applications for an absent vote

55.—(1) An application under section 6, 7, 8 or 9 of the 1985 Act⁽⁴⁴⁾ must comply with the requirements of this regulation and such further requirements in this Part of these Regulations as are relevant to the application.

(2) In the case of an application under section 6(1) or 7(1), the application must state, in addition to the matters required by section 6(1)(ba) to (bc) or section 7(1)(ba) to (bc) of the 1985 Act ⁽⁴⁵⁾—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under section 9 of the 1985 Act;
- (c) in the case of such an application the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of subparagraph(b); and
- (d) in the case of an application under section 6(1), 7(1) or 9(4) or (7) of the 1985 Act, the grounds on which the elector claims to be entitled to an absent vote.

(3) The application shall be made in writing and be signed and dated by the applicant.

⁽⁴⁴⁾ 1985 c. 50; sections 6, 7, 8 and 9 were amended by Schedule 6 to the 2000 Act; sections 6 and 7 were amended by section 3 of the 2002 Act (c.13) and paragraph 134 of Schedule 1 to the 2006 Act (c.22) also amended section 6. Section 8(5) was also amended by S.I. 2005/3129. Section 9(11A) was inserted by section 38(5) of the 2006 Act.

⁽⁴⁵⁾ Sections 6(1)(ba) to (bc) and 7(1)(ba) to (bc) were inserted by section 3 of the 2002 Act (c.13).

(4) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of regulation 56.

Additional requirements for applications for the appointment of a proxy

56. An application for the appointment of a proxy under section 8(6) or (7) of the 1985 Act shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that the person is capable of being and willing to be appointed to vote as his proxy; or
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

Additional requirements for applications on grounds of blindness or other disability

57.—(1) An application under section 6(2)(b)(46) of the 1985 Act shall specify the disability by reason of which it is made.

(2) Subject to paragraph (3), such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(47) by virtue of qualifications in nursing;
- (c) a Christian Science practitioner;
- (d) the person registered under the Registered Homes (Northern Ireland) Order 1992(48) as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he is resident in such a home;
- (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(49), where the applicant states that he is resident in such accommodation; or
- (f) the manager or other person in charge of premises forming one of a group of premises provided for persons of pensionable age or persons with a disability for which there is a resident manager or other person in charge, where the applicant states that he resides in such premises.

(3) The person attesting the application shall state—

- (a) his name and address and the qualification by virtue of which he attests the application;
- (b) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
- (c) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.

(4) Paragraphs (2) to (4) shall not apply where—

(46) Section 6(2)(b) was amended by paragraph 134 of Schedule 1 to the 2006 Act (c.22).

(47) S.I.2002/253.

(48) S.I. 1992/3204 (N.I. 20); the definitions of “residential care home” and “nursing home” have been amended by Schedule 9 to S.I. 1995/755 (N.I.2).

(49) S.I. 1972/1265 (N.I.14).

- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by a Health and Social Services Board which is specified in the application; or
- (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁵⁰⁾) because of the disability specified in the application.

(5) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in section 6(2)(b) of the 1985 Act.

Additional requirements for applications based on occupation, service, employment or attendance on a course

58.—(1) An application under section 6(2)(c) of the 1985 Act⁽⁵¹⁾ shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or civil partner; or
- (b) whether it is the applicant or his spouse or civil partner who is attending the course provided by an educational institution in respect of which the application is made; and
- (c) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
- (d) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self-employed, that fact; and in any other case the name of that person's employer;
- (e) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.

(2) Such an application shall be attested and signed—

- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
- (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.

(3) The person attesting an application made under paragraph (2) shall—

- (a) where the applicant is the employed person, self-employed person or the person attending the course, certify that the statements required by sub-paragraphs (a) to (e) of paragraph (1) to be included in the application are true; or
- (b) where the applicant is the spouse or civil partner of the employed person, self-employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (d) of paragraph (1) are true.

⁽⁵⁰⁾ 1992 c.7 (N.I.).

⁽⁵¹⁾ Section 6(2)(c) was amended by Schedule 6 to the 2000 Act and S.I.2005/3129.

- (4) The person attesting an application under paragraph (2) shall also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
 - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
 - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.

Additional requirements for applications in respect of a particular election

59.—(1) An application under section 7(1) of the 1985 Act shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which paragraph (4), (6) or (8) applies, such an application shall be signed and attested by a person who—

- (a) is aged 18 years or over;
 - (b) resides in the United Kingdom;
 - (c) knows the applicant but is not related to him; and
 - (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.
- (3) The person attesting an application under paragraph (2) shall state—
- (a) his full name and address;
 - (b) that he is aged 18 years or over;
 - (c) that he resides in the United Kingdom;
 - (d) that he knows the applicant but is not related to him; and
 - (e) that he has not attested under paragraph (2) any other application in respect of the election for which the application he attests is made,

and shall certify that, to the best of his knowledge and belief, the statement included in the application in accordance with paragraph (1) is true.

(4) This paragraph applies in respect of an application under section 7(1) of the 1985 Act in which the circumstances set out in accordance with paragraph (1) are that the applicant will be or is likely to be ill on the date of the poll, and which—

- (a) specifies the illness which he is likely to suffer from; and
- (b) is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 57(2).

(5) The person attesting an application under paragraph (4) shall state—

- (a) his name and address;
- (b) the qualification by virtue of which he is authorised to attest it;
- (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (1); and
- (d) that, to the best of his knowledge and belief—
 - (i) the applicant is suffering from the illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll; and

- (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.
- (6) This paragraph applies in respect of an application under section 7(1) of the 1985 Act—
- (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with regulation 61(5)) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. on the sixth day (so calculated) before the date of that poll;
 - (b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s health;
 - (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll; and
 - (d) which is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 57(2).
- (7) The person attesting an application under paragraph (6) shall state—
- (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (1);
 - (d) that to the best of his knowledge and belief—
 - (i) the applicant is suffering from the illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll; and
 - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness; and
 - (e) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with paragraph (6)(c) is correct.
- (8) This paragraph applies in respect of an application under section 7(1) of the 1985 Act—
- (a) which is received by the registration officer during the period specified in paragraph (6)(a);
 - (b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s employment either as a constable or by the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary election the poll for which is held on the same day;
 - (c) which states the employment in question; and
 - (d) in the case of a constable, which is signed by a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

Additional requirements for applications by proxies to vote by post at a particular election

60. An application under section 9(7) of the 1985 Act shall set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the elections rules.

Closing date for applications

61.—(1) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to paragraph (3), an application under section 7(1) or (2), 8(7) or 9(7) or (8) of the 1985 Act shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which is made.

(3) Paragraph (2) shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 59; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

(4) An application under—

- (a) section 6(4)(a) of the 1985 Act by an elector to be removed from the record kept under section 6(3) of that Act; or
- (b) section 9(11)(a) of that Act by a proxy to be removed from the record kept under section 9(6) of that Act,

and a notice under section 8(9) of that Act by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday shall be disregarded.

(6) In paragraph (5) “bank holiday” means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(52) in any part of the United Kingdom; and
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland,

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, sub-paragraph (b), not sub-paragraph (a), shall apply.

Grant or refusal of applications

62.—(1) Where the registration officer grants an application under section 6, 7, 8 or 9 of the 1985 Act, he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper (as amended for use also in respect of European Parliamentary elections) to be issued by the registration officer on the appointment of a proxy shall be in Form E.

(4) Where the registration officer refuses an application under section 6, 7, 8 or 9 of the 1985 Act, he shall notify the applicant of his decision and, in the case of an application under section 6(1) or 9(4), of the reasons for it; and he shall date such a notification.

(5) Where under regulation 61(1) or 61(4) the registration officer disregards an application for the purposes of a particular election, he shall, where practicable, notify the applicant of this.

(52) 1971 c.80.

Notice of appeal

63.—(1) A person desiring to appeal under section 58(1)(b) of the 1983 Act(**53**) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 62(4), specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the appropriate county court together with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

64. Where the appointment of a proxy is cancelled by notice given to the registration officer under section 8(9) of the 1985 Act(**54**) or ceases to be in force under that provision or is no longer in force under section 8(10)(b) of that Act, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy; and
- (b) remove his name from the record kept under section 6(3)(c) of that Act.

Inquiries by registration officer

65.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under section 6(3) of the 1985 Act(**55**) by virtue of an application under that section on the grounds set out in paragraph (b) or (c) of section 6(2).

(2) In the case of a person who is shown in the record kept under section 6(3) of the 1985 Act by virtue of an application under that section on the grounds set out in section 6(2)(c), the registration officer shall make the inquiries referred to in paragraph (1) not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Records and lists kept under sections 6, 7 and 9 of the 1985 Act

66.—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under sections 7(4) and 9(9) of the 1985 Act(**56**) to each candidate at a parliamentary election or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under sections 6(3) and 9(6) of the 1985 Act(**57**).

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with regulation 61(5)) the registration officer shall publish the lists kept under sections 7(4) and 9(9) of the 1985 Act by making a copy of them available for inspection at his office.

(53) 1983 c. 2; section 58 was substituted by Schedule 4 to the Miscellaneous Provisions Act 2006.

(54) Section 8(9) was substituted by Schedule 6 to the 2000 Act (c.2).

(55) Section 6(3) was amended by Schedule 6 to the 2000 Act.

(56) 1985 c. 50. Sections 7(4) and 9(9) were amended by Schedule 6 to the 2000 Act.

(57) Section 6(3) and 9(9) were amended by Schedule 6 to the 2000 Act.

Marked register for polling stations

67. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

Certificate of employment at a parliamentary election

68.—(1) The form of certificate in Form F is prescribed for the purposes of rule 32(3) of the elections rules.

(2) The prescribed officer of police for those purposes is a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

Form of Corresponding number lists

69.—(1) The form of the corresponding number list to be prepared by the returning officer under rule 19A(58) of the elections rules shall be in Form G.

(2) The form of the corresponding number list to be prepared by the returning officer for the purposes of rules 29(3)(e)(59) and 37(1)(c)(60) of the elections rules shall be in Form H.

(3) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the elections rules, when a parliamentary election is combined with another poll under section 15 of the 1985 Act(61) shall be in Form J.

(4) The form of the corresponding number list to be prepared by a returning officer for the purposes of rules 29(3)(e) and 37(1)(c) of the elections rules, when a parliamentary election is combined with another poll under section 15 of the 1983 Act shall be in Form K.

PART 5

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Interpretation of Part 5

70. For the purposes of this Part of these Regulations, unless the context otherwise requires—
- “absent voters list” means the list kept under section 7(4) of the 1985 Act;
 - “agent” includes the election agent and a person appointed to attend in the election agent’s place;
 - “ballot paper envelope” and “covering envelope” means the envelopes referred to in regulation 78;
 - “list of postal proxies” means the list kept under section 9(9) of the 1985 Act;
 - “postal ballot paper” means a ballot paper issued to a postal voter;
 - “postal voter” means an elector or proxy who is entitled to vote by post;
 - “postal voters’ ballot box” means the ballot box referred to in regulation 83(1)(a);
 - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in regulation 83(5);

(58) 1983 c.3; rule 19A was inserted by section 31 of the 2006 Act (c.22).

(59) Sub-paragraph (e) of rule 29(3) was inserted by section 31 of the 2006 Act.

(60) Rule 37(1)(c) was amended for Northern Ireland by paragraph 90 of Schedule 1 to the 2006 Act.

(61) 1985 c.50; section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c.58), section 3(2) of the Elections Act 2001 (c.7) and paragraph 7 of Schedule 7 to the Local Government Act 2003 (c.26).

- “spoilt postal ballot paper” means a ballot paper referred to in regulation 81(1);
- “universal postal service provider” has the meaning given in the Postal Services Act 2000(62) to a “universal service provider”; and
- “valid declaration of identity” means one falling within regulation 87(1).

Issue of Postal Ballot Papers

Form of declaration of identity

71. The form of the declaration of identity for the purposes of rule 24 of the elections rules(63) shall be in—

- (a) Form L at a parliamentary election where the poll is taken alone;
- (b) Form M at a parliamentary election where the poll is taken together with the poll at a local election.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

72.—(1) Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000(64) no person may be present at the proceedings on the issue or receipt of postal ballot papers at a parliamentary election other than—

- (a) the returning officer;
- (b) a candidate;
- (c) an election agent or any person appointed by a candidate to attend in his election agent’s place; and
- (d) any agents appointed under regulation 73.

Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers

73.—(1) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers.

(2) The returning officer shall specify the number of agents allowed to attend proceedings under paragraph (1).

(3) The number of agents specified under paragraph (2) shall be the same for each candidate.

(4) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters’ ballot box, as the case may be.

(5) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(6) Agents may be appointed and notice of appointment given to the returning officer by the candidate’s election agent instead of by the candidate.

(7) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1), who are within the number authorised by the returning officer.

(62) 2000 c.26.

(63) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act and then by section 37 of the 2006 Act (c.22).

(64) 2000 c.41; sections 6A, 6B, 6C, 6D and 6E were inserted by section 29 of the 2006 Act.

(8) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(9) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

74. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act⁽⁶⁵⁾.

Notice of issue of postal ballot papers

75.—(1) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents which each candidate may appoint under regulation 73 to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under regulation 73 to attend such issue.

Procedure on issue of postal ballot paper

76.—(1) The number of the elector as stated in the register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to the elector.

(2) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(4) Where the poll at one election is taken with the poll at another election, the colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.

(5) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in regulation 78 are to be sent is—

- (a) in the case of an elector, the address shown in the absent voters list;
- (b) in the case of a proxy, the address shown in the special list kept under section 9(9) of the 1985 Act.

Refusal to issue postal ballot paper

77. Where a returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector.

⁽⁶⁵⁾ 1983 c.2; section 66(4) was amended by paragraph 86(c) of Schedule 1 to the 2006 Act, section 66(5) was amended by paragraph 86(d) of Schedule 1 to the 2006 Act and section 66(6) was amended by Schedule 3 to the 1985 Act.

Envelopes

78.—(1) Paragraphs (2) and (3) prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the elections rules⁽⁶⁶⁾).

(2) There shall be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
 - (b) the words “ballot paper envelope”; and
 - (c) the number of the ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed.
- (4) Where the polls are taken together—
- (a) the envelope referred to in paragraph (2) must also be marked “Covering envelope for the [insert the colour of the ballot paper] coloured ballot paper”; and
 - (b) on the envelope referred to in paragraph (3) after the words “Ballot paper envelope” there must be added “for the [insert colour of the ballot paper] coloured ballot paper”.

Sealing up of completed corresponding number lists and security of special lists

79.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the completed corresponding number lists of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2), the returning officer shall take precautions for the security of the lists referred to in that paragraph.

Delivery of postal ballot papers

80.—(1) For the purpose of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 26(1) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters and on the covering envelopes.

Spoilt postal ballot papers

81.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt postal ballot paper”) he may

⁽⁶⁶⁾ Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act and then by section 37 of the 2006 Act (c22).

return (either by hand or by post) to the returning officer the spoilt ballot paper and the declaration of identity.

(2) On receipt of the documents referred to in paragraph (1), the returning officer shall issue another postal ballot paper except where those documents are received after 5p.m. on the day before the day of the poll.

(3) Regulations 76 (except paragraph (3)), 78, 79, and, subject to paragraph (6), 80 shall apply to the issue of a replacement postal ballot paper under paragraph (2).

(4) The spoilt postal ballot paper and the declaration of identity shall be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with regulation 80.

(7) The returning officer shall enter in a list kept for the purpose (“the list of spoilt ballot papers”) —

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Receipt of Postal Ballot Papers

Notice of opening of postal ballot paper envelopes

82.—(1) The returning officer shall give to each candidate not less than 48 hours’ notice in writing of each occasion on which a postal voters’ ballot box and the envelopes contained in it are to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place; and
- (b) the number of agents a candidate may appoint under regulation 73(1) to attend each opening.

Postal ballot boxes and receptacles

83.—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters’ ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters’ ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency for which the election is held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The returning officer shall then lock the postal ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelope

84. The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

85.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 45(67) of the elections rules.

Opening of covering envelopes

86.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in regulation 87 applies where a covering envelope contains both—

- (a) a declaration of identity; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

- (a) a declaration of identity (whether separately or not); and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the returning officer shall mark the covering envelope "rejected", attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity

87.—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part of these Regulations if—

- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address; and
- (b) in the case of an elector, the requirements of rule 45(2)(b) and (2A)(68) of the elections rules are satisfied.

(67) Rule 45 was amended by Schedule 4 to the 1985 Act (c.50), Schedule 6 to the 2000 Act (c.2), section 3(4)(c) of the 2002 Act (c.13) and Schedule 1 to the 2006 Act (c.22).

(68) Rule 45(2)(b) was amended by, and paragraph (2A) was inserted by, section 3(4)(c) of the 2002 Act.

(2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.

(3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the ballot paper envelope; or
- (b) that envelope has no number on it,

the returning officer shall open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid declaration of identity but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under regulation 86(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the returning officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under sub-paragraph (b) or (c).

Opening of ballot paper envelopes

88.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

89. As soon as practicable after the completion of the procedure under regulation 88, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes; and
 - (b) the receptacle of declarations of identity,
- and shall seal up such packets.

Abandoned poll

90. Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and
- (b) shall, notwithstanding regulations 86 to 88, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

Forwarding of documents

91.—(1) The returning officer shall forward to the Clerk of the Crown for Northern Ireland at the same time as he forwards the documents mentioned in rule 55(69) of the elections rules—

- (a) any packets referred to in regulations 79, 81(5) and 89, subject to regulation 90, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held; and
- (b) a completed statement in Form N.

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll;
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up that packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) Rules 56(70) and 57(71) of the elections rules shall apply to any packet or document forwarded under this regulation.

(4) A copy of the statement referred to in paragraph (1)(b) shall be provided by the returning officer to the Electoral Commission.

(69) Rule 55 has been amended by S.I.2001/1149, section 13(1) and (4) of the 2000 Act (c.2), sections 31, 41 and 45 of, and Schedule 1 to, the 2006 Act (c.22).

(70) Rule 56 has been amended by sections 31 and 41 of the 2006 Act.

(71) Paragraph (1) of rule 57 was amended by, paragraph (3) was substituted by, and paragraphs (4) to (9), of rule 57 were inserted by section 41 of the 2006 Act (c.22); paragraph (1A) was inserted by section 47 of, paragraph 95(3) of Schedule 1 to, the 2006 Act and paragraph (2) was substituted by section 31 of that Act. The amendments made to rule 57 by section 70 of the 2006 Act do not extend to Northern Ireland (see section 78(3)).

PART 6

SUPPLY OF REGISTERS ETC.

Interpretation and edited register

Interpretation of Part 6

- 92.**—(1) In this Part “register” includes—
- (a) any part of it; and
 - (b) except in regulation 93 and in the context of the supply by the registration officer of the register and notices, any notice altering the register which is published under section 13A(2) or 13BA(3),(6) or (9) of the 1983 Act(72).
- (2) In this Part—
- “enactment” has the same meaning as in section 17(2) of the 2000 Act; and
- “processor” has the meaning set out in regulation 113(1).
- (3) In this Part, any reference to an employee of a person who has access to a copy of the full register includes—
- (a) any person working or providing services for the person who has such access; and
 - (b) any person employed by or on behalf of, or working for, the person referred to in subparagraph (a).
- (4) Any restriction on the use of a copy of the full register or information contained in it which is imposed by any regulation in this Part shall apply to a person to whom a copy of the full register has been supplied or information contained in it has been disclosed under the equivalent regulation in the Representation of the People (England and Wales) Regulations 2001(73), as amended, or the Representation of the People (Scotland) Regulations 2001(74), as amended.
- (5) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act(75), any duty on the registration officer to supply data under this Part imposes only a duty to supply data in the form in which he holds it.
- (6) The registration officer shall not supply data which includes information not included in the printed version of the full register otherwise than under a provision in an enactment.

Edited version of register

- 93.**—(1) At the time when the registration officer publishes a version of the register under section 13(1) or (3) of the 1983 Act (76) (“the full register”), he shall publish a version of the register under this regulation (“the edited register”).
- (2) The edited register shall omit the names and addresses of any elector included in the full register if a request has been duly made in the form referred to in section 10(4) of the 1983 Act(77)

(72) 1983 c.2; sections 13A and 13B were substituted by Schedule 1 to the 2000 Act and section 13BA was inserted by section 6 of the Miscellaneous Provisions Act (c.33).

(73) S.I. 2001/341; amended by S.I.2001/1700, S.I.2002/1871, S.I. 2006/752 and S.I.2006/2910.

(74) S.I. 2001/497; amended by S.I.2001/1749, S.I.2002/1872, S.I.2003/3075, S.I.2004/1771, S.I.2004/1960, S.I.2006/834, S.I.2006/1836, S.I.2006/3406 and S.I.2007/925.

(75) The exercise of the powers in section 52(1) is made subject to section 8(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 52(1A), as inserted by Schedule 21 to that Act, is relevant to those powers. Section 52 was amended by Schedule 4 to the 1985 Act (c.50).

(76) 1983 c.2; section 13 was substituted by Schedule 1 to the 2000 Act (c.2.) and subsection (1) was substituted by section 5 of the Miscellaneous Provisions Act (c.33).

(77) Section 10(4) has been amended by Schedule 4 to the Miscellaneous Provisions Act.

or in accordance with regulation 27 by or on behalf of that elector for his name and address to be excluded from the edited register.

(3) In other respects the edited register shall be the same as the full register and shall include any marks or dates which are required to be recorded against the names of any electors.

(4) Notwithstanding the omission of names and addresses in accordance with paragraph (2), regulation 50 shall apply to the edited register as it applies to the full register.

(5) Unless the contrary intention appears, any reference in these Regulations to the register is to the full register.

(6) The manner in which each revised version of the edited register is to be published under this regulation is—

- (a) by the registration officer making a copy of it available for inspection at his office; and
- (b) by such other means (if any) as he thinks appropriate.

(7) Each revised version of the edited register shall be published until the coming into force of the next revised version of it.

General restrictions

Restrictions on supply of full register and disclosure of information from it by the Chief Electoral Officer and his staff

94.—(1) This regulation applies to—

- (a) the Chief Electoral Officer;
- (b) any temporary deputy of his; and
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties.

(2) Where the Chief Electoral Officer is also the counting officer at a referendum held by or under an Act of Parliament (and so has access to the full register without being supplied with a copy of it), this regulation also applies to—

- (a) the Chief Electoral Officer in that capacity;
- (b) any deputy counting officer;
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties in respect of the referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the full register;
- (b) disclose information contained in it (and not contained in the edited register); or
- (c) make use of such information,

otherwise than in accordance with any enactment including these Regulations.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or the purposes of an election or referendum.

Restriction on use of the full register or information contained in it supplied in accordance with any enactment or otherwise obtained

95.—(1) This regulation applies to—

- (a) any person to whom a copy of the full register has been supplied in pursuance of a relevant provision;
- (b) any person to whom information contained in the full register has been disclosed in pursuance of a relevant provision;
- (c) any person to whom a person referred to in sub-paragraph (a) or (b) has supplied a copy of the full register or information contained in it for the purposes (express or implied) of a relevant provision; and
- (d) any person who has obtained access to a copy of the full register or information contained in it by any other means.

(2) In this regulation “relevant provision” means any enactment except these Regulations which sets out the purpose for which a copy of the full register is to be supplied or information from that register disclosed under the enactment.

(3) No person to whom this regulation applies (except by virtue of paragraph (1)(d)) may—

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of such information,

other than for the purpose (express or implied) for which the copy was supplied or the information disclosed to the person in question under the relevant provision.

(4) No person to whom this regulation applies by virtue of paragraph (1)(d) may—

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of such information,

other than for any purpose for which a copy could be supplied or information could be disclosed to the person in question under any enactment (including these Regulations).

Supply on publication and specific restrictions

Supply of free copy of full register to the British Library

96. The registration officer shall supply, free of charge on publication, one printed copy of—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act; and
- (b) any list of overseas electors,

to the British Library.

Supply of free copy of full register to deputy returning officer at local elections and restrictions on use

97.—(1) Not later than five days before the last date for the publication of the notice of election at a local election, the registration officer shall supply free of charge to the deputy returning officer (within the meaning of article 9(2) of the Electoral Law (Northern Ireland) Order 1972(**78**)) at that election as many printed copies of—

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act, as the case may be; and

- (b) any notice setting out an alteration to that version of the register published under section 13A(2) or 13BA(3),(6) or (9) of that Act,

as the deputy returning officer may reasonably require for the purposes of the election, together with one copy in data form.

- (2) No person to whom a copy of the register has been supplied under this regulation may—
 - (a) supply a copy of the full register;
 - (b) disclose any information contained in it (and not contained in the edited register); or
 - (c) make use of any such information,

other than for the purposes of the election.

(3) The restrictions in paragraph (2) apply to a person to whom a copy of the full register has been supplied in accordance with this regulation or to whom such information has been so disclosed as it applies to the person to whom a copy of the register has been so supplied.

Supply of free copy of full register etc to the Northern Ireland Statistics and Research Agency and restrictions on use

- 98.**—(1) The registration officer shall supply, free of charge on publication, one copy of—
- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
 - (b) any notice setting out an alteration to the register published under section 13A(2) or 13BA(3),(6) or (9) of that Act; and
 - (c) any list of overseas electors,

to the Northern Ireland Statistics and Research Agency (in this regulation referred to as “the Agency”).

(2) In paragraph (1) the duty to supply is a duty to supply in data form unless, prior to publication, the Agency has requested in writing a printed copy instead.

- (3) No person employed by the Agency may—
 - (a) supply a copy of the full register other than to another such person;
 - (b) disclose any information contained in it (and not contained in the edited register) otherwise than in accordance with paragraph (4); or
 - (c) process or make use of any such information other than for statistical purposes.
- (4) Such information may not be disclosed otherwise than—
 - (a) by allowing a person using the premises of the Agency to inspect it under supervision; and
 - (b) by publishing information about electors which does not include the name or address of any elector.
- (5) A person who inspects the full register may not—
 - (a) make copies of any part of it; or
 - (b) record any particulars included in it,

otherwise than by means of hand-written notes.

Supply of free copy of full register etc to Electoral Commission

- 99.**—(1) The registration officer shall supply, free of charge and on publication, one copy of—
- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;

- (b) any notice setting out an alteration to the register published under section 13A(2) or 13BA(3),(6) or (9) of that Act; and
- (c) any list of overseas electors,

to the Electoral Commission (in this regulation referred to as “the Commission”).

(2) In paragraph (1) the duty to supply is a duty to supply in data form unless, prior to publication, the Commission has requested in writing a printed copy instead.

(3) Neither an Electoral Commissioner nor any employee of the Commission may—

- (a) supply a copy of the full register otherwise than to an Electoral Commissioner or such an employee;
- (b) disclose any information contained in it (and not contained in the edited register) otherwise than in accordance with paragraph (4); or
- (c) make use of any such information otherwise than in connection with the Commission’s functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000(79).

(4) Neither the full register nor any such information may be disclosed otherwise than—

- (a) where necessary to discharge the Commission’s functions in relation to Part 4 and Part 4A(80) of the Political Parties, Elections and Referendums Act 2000; or
- (b) by publishing information about electors which does not include the name or address of any elector.

(5) In this regulation “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner.

Supply of free copy of full register etc to Local Government Boundary Commissioner, the Boundary Commission and the District Electoral Areas Commissioner and restrictions on use

100.—(1) The registration officer shall supply, free of charge and on publication, one copy of each of the documents listed in paragraph (4) to the Boundary Commission for Northern Ireland.

(2) On the appointment of a Local Government Boundary Commissioner under section 50(1) or (4) of the Local Government Act (Northern Ireland) 1972(81), the registration officer shall supply to him free of charge one copy of each of the documents listed in paragraph (4).

(3) On the appointment of the District Electoral Areas Commissioner under article 2 or 3 of the District Electoral Areas Commissioner (Northern Ireland) Order 1984(82) the registration officer shall supply to him, free of charge one copy of each of the documents listed in paragraph (4).

(4) Those documents are—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13BA(3),(6) or (9) of that Act; and
- (c) any list of overseas electors.

(5) In paragraphs (1) to (3) the duty to supply is a duty to supply in data form unless—

(79) 2000 c.41.

(80) Part 4 was amended by Part 3 of the Miscellaneous Provisions Act for Northern Ireland and was modified in its application to Northern Ireland by the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007 (S.I.2007/ 2501) and Part 4A was inserted by section 61 of the 2002 Act.

(81) 1972 c. 9 (N.I.); section 50 was substituted by the Local Government (Boundaries)(Northern Ireland) Order 2006 (S.I.2006/1253)(N.I.8).

(82) S.I.1984/360; articles 2 and 3 of the 1984 Order were substituted by articles 3 and 4 of the District Electoral Areas Commissioner (Northern Ireland) Order 2007 (S.I.2007/612)(N.I.4) respectively.

- (a) in the case of paragraph (1), prior to publication the Commission have, or
 - (b) in the case of paragraphs (2) and (3), prior to supply the Commissioner has,
- requested in writing a printed copy instead.
- (6) In paragraph (7) “a relevant person” means—
 - (a) a member of the Commission referred to in paragraph (1) or—
 - (i) a person employed by that Commission; or
 - (ii) a person appointed to assist that Commission to carry out their functions;
 - (b) the Commissioner referred to in paragraphs (2) or (3) or any person appointed to assist him.
 - (7) A relevant person may not—
 - (a) supply a copy of the full version of the register otherwise than to another relevant person;
 - (b) disclose any information contained in it (and not contained in the edited register) otherwise than by publishing information about electors which does not include the name and address of any elector;
 - (c) process or make use of any such information other than in connection with the statutory functions in question.

Supply on request and specific restrictions

Supply of full register etc under regulations 102 to 107: general provisions

101.—(1) The persons or organisations falling within regulations 102 to 107 may request the registration officer to supply free of charge the relevant part (within the meaning of those regulations) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
 - (b) any notice setting out an alteration to the register published under section 13A(2) or 13BA(3),(6) or (9) of that Act;
 - (c) a list of overseas electors.
- (2) Such a request shall be made in writing and shall—
- (a) specify the documents requested;
 - (b) subject to paragraph (5), state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication for as long as the person making the request falls within the category of person entitled to receive such copies; and
 - (c) state whether a printed copy of any of the documents is requested instead of the version in data form.
- (3) Unless a request has been made in advance of supply under paragraph (2)(c), the copy of a document supplied under this regulation shall be in data form.
- (4) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) in accordance with a request that has been duly made.
- (5) A person falling within regulation 106 may not make the request set out in paragraph (2)(b).
- (6) A person who obtains a copy of any document under paragraph (4) may use it for any purpose for which that person would be entitled to obtain the document under this Part and any restrictions which apply under whichever of regulations 102 to 107 entitles that person to obtain the document for that purpose shall apply to such use.

Supply of full register etc to elected representatives and restrictions on use

102.—(1) This regulation applies to—

- (a) the Member of Parliament for any constituency in Northern Ireland;
- (b) each Member of the European Parliament for the electoral region of Northern Ireland;
- (c) each Member of the Northern Ireland Assembly; and
- (d) each councillor for a district electoral area in Northern Ireland.

(2) For the purposes of regulation [101\(1\)](#) the relevant part of the documents listed in that provision—

- (a) in the case of a Member of Parliament or of the Northern Ireland Assembly, is so much of them as relate to the constituency which he represents;
- (b) in the case of a Member of the European Parliament, is the whole of them; and
- (c) in the case of a councillor for a district electoral area, is so much of them as relate to that area.

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

otherwise than for purposes in connection with the office by virtue of which he is entitled to the full register or for electoral purposes.

(4) The restrictions in paragraph (3) apply to a person to whom any of the full register has been supplied or information disclosed under that paragraph as they apply to the person to whom this regulation applies.

Supply of full register etc to holders of relevant elective offices and candidates

103.—(1) This regulation applies to—

- (a) the holder of a relevant elective office within the meaning of paragraph 1(8) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000;
- (b) a candidate at a parliamentary election or an election to the Northern Ireland Assembly.

(2) For the purposes of regulation [101\(1\)](#), the relevant part of the documents listed in that provision is the whole of them.

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

otherwise than for the purpose set out in paragraph (4).

(4) That purpose—

- (a) in the case of a person falling within paragraph (1)(a), is complying with—
 - (i) the controls on donations contained in Schedule 7 to the Political Parties, Elections and Referendums Act 2000;

- (ii) the controls on loans and regulated transactions in Schedule 7A to the Political Parties, Elections and Referendums Act 2000⁽⁸³⁾;
- (b) in the case of a person falling within paragraph (1)(b), is complying with the controls on donations included in Schedule 2A to the 1983 Act⁽⁸⁴⁾, including that Schedule as applied for the purposes of elections to the Northern Ireland Assembly⁽⁸⁵⁾.

Supply of full register etc to local constituency parties and restrictions on use

104.—(1) This regulation applies to any person nominated to act for the purposes of this regulation for a particular constituency in Northern Ireland by the regional nominating officer (within the meaning of section 24 of the Political Parties, Elections and Referendums Act 2000) of a registered political party.

(2) Not more than one person for the same constituency may be nominated under paragraph (1) in respect of the same registered political party and constituency.

(3) In the case of a person to whom this regulation applies, the relevant part of the documents listed in regulation 101(1) is so much of them as relate to the constituency in question.

(4) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

otherwise than for electoral purposes or the purposes of electoral registration.

(5) The restrictions in paragraph (4) apply to a person to whom any of the full register has been supplied or information disclosed under that paragraph as they apply to the person to whom this regulation applies.

Supply of full register etc to registered political parties etc and restrictions on use

105.—(1) This regulation applies to—

- (a) a registered political party other than a minor party, within the meaning of section 160(1) of the Political Parties, Elections and Referendums Act 2000;
- (b) a recognised third party within the meaning of section 85(5) of that Act, other than a registered political party; and
- (c) a permitted participant within the meaning of section 105(1) of that Act, other than a registered political party.

(2) In the case of the parties and participants to whom this regulation applies, the relevant part of the documents listed in regulation 101(1) is the whole of them.

(3) No person employed by, or assisting (whether or not for reward) a party or participant to which this regulation applies and to which a copy of the register has been supplied may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

otherwise than for the purposes set out in paragraph (4).

⁽⁸³⁾ Schedule 7A was inserted by section 61 of, and Part 6 of Schedule 1 to, the 2006 Act.

⁽⁸⁴⁾ Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000 (c.41).

⁽⁸⁵⁾ That Schedule was so applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order (S.I. 2001/2599).

- (4) Those purposes are—
- (a) in the case of a party falling within paragraph (1)(a) or (b)—
 - (i) electoral purposes; and
 - (ii) the purpose of complying with the controls on donations under Part 4 of or, as the case may be, Schedule 11 to, the Political Parties, Elections and Referendums Act 2000; and
 - (iii) the purpose of complying with the controls on loans and regulated transactions under Part 4A of the Political Parties, Elections and Referendums Act 2000; and
 - (b) in the case of a permitted participant within the meaning of section 105(1) of that Act—
 - (i) purposes in connection with the campaign in respect of the referendum identified in the declaration made by the participant under section 106 of that Act; and
 - (ii) the purposes of complying with the controls on donations in Schedule 15 to that Act.
- (5) The restrictions in paragraph (3) apply to a person to whom any of the full register has been supplied or information disclosed under that paragraph as they apply to persons referred to in that paragraph.

Supply of full register etc to certain candidates and restriction on use

- 106.**—(1) This regulation applies to a candidate at—
- (a) a parliamentary or European Parliamentary election in Northern Ireland;
 - (b) an election to the Northern Ireland Assembly; and
 - (c) a local election in Northern Ireland.
- (2) For the purposes of regulation 101(1), the relevant part of the documents listed in that provision is so much of them as relate to the area for which the candidate is standing.
- (3) No candidate to whom a copy of the register has been supplied by virtue of this regulation may—
- (a) supply a copy of the full register to any person;
 - (b) disclose any information contained in it (and not contained in the edited register); or
 - (c) make use of any such information;
- other than for electoral purposes.

- (4) The restrictions in paragraph (3) apply to a person to whom any of the full register has been supplied or information disclosed under that paragraph as they apply to persons referred to in that paragraph.

Supply of full register etc to police forces and restrictions on use

- 107.**—(1) This regulation applies to—
- (a) a police force in Great Britain;
 - (b) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
 - (c) the Serious Organised Crime Agency;
 - (d) the Police Information Technology Organisation; and
 - (e) any body of constables established under an Act of Parliament
- (2) For the purpose of regulation 101(1), the relevant part of the documents listed in that provision is the whole of them.

(3) No person serving whether as a constable, officer or employee in any of the forces and organisations to which this regulation applies may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere).

(4) The restrictions in paragraph (3) apply to a person to whom any of the full register has been supplied or information disclosed under that paragraph as they apply to persons referred to in that paragraph.

Sale of edited and full register and specific restrictions

Sale of edited register

108.—(1) The registration officer shall supply a copy of the edited register to any person on payment of a fee calculated in accordance with paragraph (2).

(2) In the case of the register—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

Sale of full register etc: restrictions on supply, charges, etc

109.—(1) The registration officer may not sell a copy of—

- (a) the full register,
- (b) any notice under section 13A(2) or 13BA(3),(6) or (9) of the 1983 Act altering the register (“a relevant notice”), or
- (c) the list of overseas electors,

except to a person who is entitled under regulation 111 or 112 to purchase them.

(2) The fee for such sale is to be calculated in accordance with paragraphs (3) to (6).

(3) Where a person purchases the full register together with any relevant notices which are published at that time altering the register, the register and the notices shall be treated as the same document for the purposes of the calculations set out in paragraph (5); and any entry in the register which is deleted by a notice shall accordingly be ignored for the purposes of the calculation.

(4) Where a person purchases a relevant notice separately from the full register, the calculations set out in paragraph (5) shall be applied to that notice.

(5) Subject to paragraph (3), in the case of the register or a relevant notice—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

(6) In the case of the list of overseas electors—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 100 entries (or remaining part of 100 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 100 entries (or remaining part of 100 entries) in it.

(7) In any copy of the full register which is sold in accordance with regulation 111 or 112, the letter “Z” shall be placed against the name of any person whose name is not included in the edited version of the register.

Sale of full register etc: general provisions

110.—(1) This regulation applies in respect of the supply on payment of a fee of copies of relevant documents in accordance with regulation 111 or 112.

(2) The registration officer shall not supply a printed copy of the full register under those regulations if to do so would result in his having insufficient copies of it for the purposes of any requirement made by or under any enactment.

(3) In those regulations “the relevant restrictions” means the restrictions set out in paragraphs (4) and (5).

(4) No person in a body to which a copy of the register has been supplied under regulations 111 or 112 may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

other than for the purpose set out in the regulation by virtue of which the full register has been supplied.

(5) The restrictions in paragraph (4) apply to a person to whom a copy of the full register has been supplied in accordance with regulation 111 or 112 or to whom such information has been so disclosed as it applies to a person in the body to which the copy of the full register was supplied under the regulation in question.

(6) In this regulation and regulations 111 and 112, “a relevant document” means—

- (a) the full register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice published under section 13A(2), 13BA(3),(6) or (9) of that Act amending it; and
- (c) the list of overseas electors.

(7) A request to purchase a relevant document must be made in writing and must—

- (a) specify the documents requested;
- (b) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent documents on publication for as long as the person making the request pays for them; and
- (c) state whether a printed copy of any document is required instead of the version in data form.

Sale of full register etc to government departments

111.—(1) Subject to regulation 110(2), the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 109 a copy of a relevant document to a government department.

(2) Where a relevant document is supplied under paragraph (1), the relevant restrictions apply except for the purpose of—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere);

- (b) the vetting of employees and applicants for employment; and
- (c) supply and disclosure in accordance with paragraph (3).

(3) A government department may supply (whether or not on payment) a copy of the full register to a person (“an authorised person”) so that he may disclose information contained in it in accordance with paragraph (5).

(4) In this regulation any reference to an authorised person includes a reference to his employees.

(5) Information contained in the full register (and not contained in the edited register) may not be disclosed by an authorised person except to any person falling within regulations 102 to 106 for use for the purpose for which the person in question could obtain the full register under the regulation concerned.

(6) The restrictions in regulations 102 to 106 apply to a person to whom such information is disclosed under paragraph (5) as they apply to a person to whom any of those regulations applies.

Sale of full register etc to credit reference agencies

112.—(1) Subject to regulation 110(2), the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 109 a copy of a relevant document to a credit reference agency registered under Part III of the Consumer Credit Act 1974(86) and which is carrying on the business of providing credit reference services.

(2) Where a relevant document is supplied under paragraph (1), the relevant restrictions apply except for the purposes set out in paragraph (3).

(3) Those purposes are:

- (a) vetting applications for credit or applications that can result in the giving of credit;
- (b) meeting any obligation contained in—
 - (i) the Money Laundering Regulations 2003(87);
 - (ii) any regulations amending or replacing those Regulations; or
 - (iii) any rules made under section 146 (money laundering rules) of the Financial Services and Markets Act 2000(88); and
- (c) statistical analysis of credit risk assessment in a case where no person included in the register is referred to by name or necessary implication.

(4) In this regulation—

“application for credit” includes an application to refinance or reschedule an existing credit agreement;

“credit” includes a cash loan and any other form of financial accommodation; and

“credit reference services” means the furnishing of persons with information relevant to the financial standing of individuals, which is information collected by the person furnishing it for the purpose of so furnishing it.

(86) 1974 c. 39.

(87) S.I. 2003/3075.

(88) 2000 c. 8.

Supply to processor and offences

Supply of register to processor

113.—(1) In this Part, “processor” means a person who provides a service which consists of putting information into the form of data or processing information in such a form and any reference to a processor includes a reference to his employees.

(2) Any person who has obtained a copy of the full register under any of regulations 99, 100, 102, 104, 105, 107, 111 and 112 may supply a copy of the full register to a processor.

(3) A processor must not supply a copy of the full register or disclose information contained in it (and not contained in the edited register) except to—

- (a) the person who supplied the register to him, or
- (b) any person who is entitled to obtain a copy of the full register under this Part or the employee of such a person.

Offences in respect of contravention of Part 6

114.—(1) A person is guilty of an offence—

- (a) if he contravenes any of the provisions specified in paragraph (2), or
- (b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.

(2) Those provisions are regulations 94(3), 95(3) and (4), 97(2) and (3), 98(3) and (5), 99(3) and (4), 100(7), 102(3) and (4), 103(3), 104(4) and (5), 105(3) and (5), 106(3) and (4), 107(3) and (4), 110(4) and (5), 111(5) and (6) and 113(3).

(3) P is not guilty of an offence under paragraph (1) if—

- (a) he has an appropriate supervisor, and
- (b) he has complied with all the requirements imposed on him by his appropriate supervisor.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in paragraph (2).

(5) In paragraphs (1)(b) and (3)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).

(6) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART 7

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation of Part 7

115.—(1) In this Part references to the “marked register or lists” means any part of the marked copies of—

- (a) the full register;
- (b) the postal voters list;
- (c) the list of proxies; and
- (d) the proxy postal voters list,

retained by the Chief Electoral Officer under rule 57(1A) of the elections rules⁽⁸⁹⁾.

(2) For the purposes of this Part any period of days shall be calculated in accordance with regulation 61(5).

(3) Paragraphs (2) and (3) of regulation 92, and the condition in paragraph (3) of regulation 113 shall be taken to apply to the supply and processing of information supplied under this Part as they apply to the supply and processing of the full register under Part 6.

(4) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a Chief Electoral Officer for Northern Ireland to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after an election

116.—(1) Any person entitled to be supplied, in accordance with regulation 99, 102, 104, 105, 106, 107 or 111, with copies of the full register at a particular parliamentary or local government election is also a person entitled, subject to this regulation and to regulation 118, to request that the Chief Electoral Officer for Northern Ireland supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from his being in a category of persons to whom regulation 102, 104, 105 or 106 applies before a particular election, shall be entitled to request those documents regardless of whether he remains in an entitled category after that election.

(3) A request under paragraph (1) shall be made in writing and shall—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists is requested or a copy in data form;
- (c) state the purpose for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

(4) The Chief Electoral Officer for Northern Ireland shall supply a copy of the relevant part of the marked register or lists where a request is duly made and—

⁽⁸⁹⁾ Rule 57(1A) was inserted by paragraph 95 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested; and
- (b) he has received payment of a fee calculated in accordance with regulation 119.

(5) If the Chief Electoral Officer for Northern Ireland is not satisfied as mentioned in paragraph (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under regulation 66 or for the published copy of the full register in accordance with regulation 110, or both.

(6) A person who obtains a copy of any part of a marked register or list under this regulation may use it only for the permitted purpose specified in paragraph (2) of regulation 118, and any conditions—

- (a) specified in that paragraph; or
- (b) which would apply to the use of the full register under whichever of regulations 99,102,104,105, 106,107 or 111 entitled that person to obtain that document,

shall apply to such use.

(7) The conditions referred to in paragraph (6) apply to a person to whom the marked register or lists, or any information contained in it (that is not contained in the edited register) has been supplied or disclosed under those paragraphs as they apply to the person to whom those regulations apply.

(8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this regulation may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein, or
- (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

117.—(1) Any person is entitled to request that the Chief Electoral Officer for Northern Ireland make available for inspection a copy of any of the following documents (referred to in this regulation and in regulation 118 as “the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the Chief Electoral Officer for Northern Ireland is required by or under any enactment to retain for any period.

(2) A request under paragraph (1) shall be made in writing and shall specify—

- (a) which documents are requested;
- (b) the purpose for which the information in any document will be used,
- (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose,
- (d) who will inspect the documents,
- (e) the date on which they wish to inspect the documents, and
- (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to paragraph (4), the Chief Electoral Officer for Northern Ireland shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the Chief Electoral Officer for Northern Ireland is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor—

- (a) of his decision under this paragraph, and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 52.

(5) A person who obtains a copy of or information in any document open to public inspection under this regulation may use it only for the permitted purposes specified in regulation 118, and any conditions—

- (a) specified in that regulation,
- (b) specified in paragraph (7), or
- (c) which would apply to the use of the full register under regulation 107 where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the Chief Electoral Officer for Northern Ireland shall ensure that the manner in, and equipment on which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(7) Subject to paragraph (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand-written notes.

(8) The Chief Electoral Officer for Northern Ireland shall on request, supply free of charge copies of any documents open to public inspection, to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 107 applies.

Conditions on the use, supply and disclosure of documents open to public inspection

118.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 95 shall apply to the documents open to public inspection as they apply to the full register.

- (2) Where a person—
 - (a) obtains copies of the information in the marked register or lists in accordance with regulation 116(1); or
 - (b) a person inspects information in accordance with regulation 117(1),

the permitted purpose shall mean either research purposes within the meaning of that term in section 33 of the Data Protection Act 1998 (90) or electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which regulation 117(8) applies, the permitted purpose means the purposes set out in regulation 107(3).

Fees relating to the supply of marked registers and lists

119. The formula used for the purpose of calculating the fee that shall be paid to the Chief Electoral Officer for Northern Ireland by a requestor prior to their being supplied with copies of the marked register or lists (or any relevant part those documents) under paragraph (3) of regulation [116](#) shall be the same as for calculation of the fee for sale of the full register and notices, set out in paragraph (5) of regulation [109](#).

Northern Ireland Office
Date

Minister of State

SCHEDULE 1

ENABLING POWERS

These Regulations are made under the following powers:

- (a) section 7(3)(aa), 7A(3)(aa), 7C(2)(aa)(91), 10A(5)(b)(92), (7) and (9), 13A(6)(93), 13BA(94), 13(C)(2)(95), 15(2)(aa)(96), 53(97) and 201(1) and (3)(98) of, rule 24(99), 37(1F)(100) and 57(101) of Schedule 1 and Schedule 2(102) to, the Representation of the People Act 1983;
- (b) section 2(2)(aa), 3(5), (6) and (7)(103) of the Representation of the People Act 1985;
- (c) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act, sections 4(4)(104), 9(2)(105), 10A(1) and (3), 13(3), 13A(1)(a) and (2)(106), 14(1) (107), 16(108), 58(2)(a), (b) and (6)(a)(109), 75(3) and 89(1)(110) of the 1983 Act, and rules 19A(111), 24, 28(3) (112), 29(3A)(113) and 32(3) in Schedule 1 to, that Act;

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- (91) 1983 c.2 ; Paragraph (aa) of sections 7(3), 7A(3) and 7C(2) were inserted by section 12 of the 2006 Act (c.22).
 - (92) Section 10A was inserted by section 8 of, and Schedule 1 to, the 2000 Act (c.2) and subsection (5)(b) was substituted by section 12 of the 2006 Act (c.22).
 - (93) Sections 13A was inserted by section 8 of, and Schedule 1 to, the 2000 Act (c.2).
 - (94) Section 13BA was inserted by section 6 of the Miscellaneous Provisions Act (c.33).
 - (95) Section 13C was inserted by section 4 of the 2002 Act (c.13).
 - (96) Section 15(2)(aa) was inserted by 12 of the 2006 Act.
 - (97) Section 53 was amended by Schedules 4 and 5 to the 1985 Act (c.50) and Schedule 1 to the 2000 Act and subsection (4) of section 53 was inserted by paragraph 109 of Schedule 1 to the 2006 Act.
 - (98) Section 201(1) was amended by paragraphs 6(1) and (7)(a) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) and section 201(3) was inserted by Schedule 1 to the 2000 Act and amended by paragraph 6(1) and (7)(d) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000.
 - (99) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act and further substituted by section 37 of the 2006 Act.
 - (100) Rule 37(1F) was inserted by section 1 of the Elections (Northern Ireland) Act 1985 (c.2) for Northern Ireland. Rule 37 was substituted for England, Wales and Scotland by paragraph 75 of Schedule 1 to the 2006 Act but this provision does not extend to Northern Ireland (see paragraph 75(2)).
 - (101) Paragraph (1) of rule 57 was amended by, paragraph (3) was substituted by, and paragraphs (4) to (9), of rule 57 were inserted by section 41 of the 2006 Act (c.22); paragraph (1A) was inserted by section 47 of, paragraph 95(3) of Schedule 1 to the 2006 Act and paragraph (2) was substituted by section 31 of that Act. The amendments made to rule 57 by section 70 of the 2006 Act do not extend to Northern Ireland (see section 78(2)).
 - (102) Schedule 2 was amended by section 4 of, and Schedules 2 and 4 to, the 1985 Act; Schedules 1 and 6 to the 2000 Act (c.2); Paragraph 1 was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c.19), Schedule 1 to the 2000 Act, section 6 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and section 7 of the Miscellaneous Provisions Act (c.33); paragraph 2A of Schedule 2 was inserted by section 5 of the Representation of the People Act 1989 (c. 28) and amended by paragraph 24 of Schedule 1 to the 2000 Act; paragraph 3A was inserted by paragraph 24 of Schedule 1 to the 2000 Act; paragraph 4 was amended by section 4 of the 1985 Act as was paragraph 5(1A) and paragraph 5A was inserted by section 11 of, and Schedule 2 to, the 1985 Act and amended by paragraphs 3 and 11(1) and (2) of Schedule 6 to the 2000 Act; paragraph 6 was amended by Schedule 1 to the 2000 Act; paragraph 8 was substituted by Schedule 4 to the 1985 Act and amended by Schedule 1 to the 2000 Act; paragraph 9 was repealed by Schedule 4 to the 1985 Act; paragraphs 10, 10A, 10B and 11 were substituted for paragraphs 10 and 11 of the Schedule as originally enacted by the section 9 of the 2000 Act; paragraph 11A was inserted by Schedule 4 to the 1985 Act and amended by Schedule 15 to the Data Protection Act 1998 (c.29); sub-paragraph (1A) was inserted by section 7 of Miscellaneous Provisions Act (c.33); paragraph 12 was amended by Schedule 6 to the 2000 Act; sub-paragraph (aa) of paragraph 12 was inserted by paragraph 94 of Schedule 1 to the 2006 Act; and paragraph 12A was inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp14); paragraph 13 was amended by Schedule 6 to the 2000 Act, sub-paragraph (1ZA) was inserted by section 7 of the Miscellaneous Provisions Act and sub-paragraph (1A) was inserted by section 9 of the 2000 Act. Schedule 2 was also amended by section 10 of the 2006 Act but these amendments do not extend to Northern Ireland (see section 78(2) of the 2006 Act).
 - (103) 1985 c.50; section 2 was substituted by Schedule 2 to the 2000 Act and subsection (2)(aa) was inserted by section 12(9) of the 2006 Act and section 3 was substituted by Schedule 2 to the 2000 Act.
 - (104) Section 4 was substituted by section 1(2) of the 2000 Act.
 - (105) Sections 9, 10A, 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.
 - (106) Subsection (2) was amended by Schedule 4 to the Miscellaneous Provisions Act 2006.
 - (107) Paragraph (e) of subsection (1) was substituted by, and paragraph (d) was amended by, Schedule 27 to the Civil Partnership Act 2004.
 - (108) Section 16 was amended by Schedule 1 to the 2000 Act, S.I. 1995/1948 and section 261(1) of, and paragraph 81 of Schedule 27 to, the Civil Partnership Act 2004 (c.33).
 - (109) Section 58 was substituted by Schedule 4 to the Miscellaneous Provisions Act 2006.
 - (110) Subsection (1) was substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c.41).
 - (111) Rule 19A was inserted by section 31(2) of the 2006 Act (c.22).
 - (112) Paragraphs (3)(d) and (e) of rule 28 was inserted by section 47 of, and paragraph 70 of Schedule 1 to, the 2006 Act.

- (d) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act and section 27(2)(**114**) of the 1985 Act, section 2(3)(**115**), 6(1) and (5)(**116**), 7(1) and (3)(**117**), 8(6) and (7)(**118**) and 9(4), (7) and (8)(**119**) and section 15(5) of the 1985 Act;
- (e) having regard to the designation(**120**) of the Secretary of State for the purposes of section 2(2) of the European Communities Act 1972(**121**) in relation to measures relating to the rights of citizens of the Union to vote at European Parliamentary elections and local elections in Northern Ireland, that section 2(2);
- (f) section 7(3) and (4) of the European Parliamentary Elections Act 2002 (**122**); and
- (g) section 42 of the Electoral Administration Act 2006.

In the case of the 1983 Act, the provisions cited include those provisions as applied with modifications by section 2(1) of, and Schedule 1 to, the 1989 Act(**123**).

SCHEDULE 2

Regulation 2

REVOCATIONS

<i>1- Regulations</i>	<i>2- References</i>	<i>3- Extent of Revocation</i>
The Representation of the People (Northern Ireland) Regulations 2001	S.I.2001/400	The whole Regulations
The Representation of the People (Northern Ireland) (Amendment) Regulations 2001	S.I.2001/1877	The whole Regulations
The Representation of the People (Northern Ireland) (Amendment) Regulations 2002	S.I.2002/1873	The whole Regulations
The Local and European Parliamentary Elections (Registration of Citizens of Accession States) 2003	S.I.2003/1557	Paragraph 4 of Schedule 2 to the Regulations
The Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002	S.I.2002/881	Paragraph 22 of the Schedule to the Order

(113) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(114) Subsection (2) was amended by Schedule 6 to the 2000 Act.

(115) Section 2 was substituted by Schedule 2 to the 2000 Act.

(116) Section 6(1) was amended for Northern Ireland by Schedules 6 and 7 of the 2000 Act and by section 3 of the 2002 Act.

(117) Section 7(1) was amended for Northern Ireland by Schedules 6 and 7 of the 2000 Act and by section 3 of the 2002 Act.

(118) Section 8(6) and (7) were amended for Northern Ireland by Schedules 6 and 7 of the 2000 Act.

(119) Subsections (4), (7) and (8) were amended for Northern Ireland by Schedules 6 and 7 of the 2000 Act.

(120) The European Communities (Designation) (No.3) Order 1993 ([S.I. 1993/2661](#)).

(121) [1972 c.68](#).

(122) [2002 c.24](#).

(123) [1989 c.3](#); Schedule 1 was amended by Schedule 3 to the [2000 Act \(c.2\)](#), section 7 of the [2002 Act \(c.13\)](#) and Schedule 4 to the [Miscellaneous Provisions Act \(c.33\)](#).

<i>1- Regulations</i>	<i>2- References</i>	<i>3- Extent of Revocation</i>
The Representation of the People (Form of Canvass) (Northern Ireland) Regulations 2003	S.I.2003/1942	The whole Regulations
The Money Laundering Regulations 2003	S.I.2003/3075	Paragraph 6 of Schedule 2 to the Regulations
1- Regulations	2- References	3- Extent of Revocation
The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004	S.I.2004/1771	Paragraph 27 of the Schedule to the Order
The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005	S.I.2005/2114	Paragraph 1 of Schedule 9 to the Order
The Representation of the People (Northern Ireland) (Amendment) Regulations 2007	S.I.2007/1612	The whole Regulations

SCHEDULE 3

Regulation 4

FORMS

ARRANGEMENT OF FORMS

Form A:	Elector's official poll card
Form B:	Proxy's official poll card
Form C:	Return of expenses required by section 75 of the 1983 Act
Form D:	Declaration as to expenses required by section 75 of the 1983 Act
Form E:	Proxy paper
Form F:	Certificate of employment
Form G:	Form of Corresponding Number List for use at parliamentary election taken alone
Form H:	Form of Corresponding Number List for use in polling station at parliamentary election taken alone
Form J:	Corresponding Number List for use when parliamentary election combined with a relevant election
Form K:	Corresponding Number List for use in polling station when parliamentary election combined with a relevant election
Form L:	Declaration of Identity
Form M:	Declaration of Identity (combined polls)

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Representation of the People (Northern Ireland) Regulations 2008 No. 1741*

Form N: Statement as to postal ballot papers

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Representation of the People (Northern Ireland) Regulations 2008 No. 1741

Regulation 9(2)

Form A: ELECTOR'S OFFICIAL POLL CARD

Front of card

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POLL CARD

Constituency

Polling Day

Your polling station will be

Polling hours 7 a.m. to 10p.m.

Number on register

Name

Address

Back of card

PARLIAMENTARY ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. Remember that you will not be able to vote unless you show an approved form of photographic identification.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card and show your photographic identification. If the clerk is satisfied that you are entitled to vote you will be given a ballot paper.

Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.

Fold the ballot paper in two. Show the number and other unique identifying mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

If you need help with voting please ask the clerk who will explain the assistance which can be provided.

To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone [Help Line Number].

ISSUED BY THE RETURNING OFFICER

Regulation 9(3)

Form B: PROXY'S OFFICIAL POLL CARD

Front of card

REPRESENTATION OF THE PEOPLE ACTS

PROXY'S OFFICIAL POLL CARD

Proxy's name

Proxy's address

PARLIAMENTARY ELECTION

Constituency

Polling day

The poll will be open from 7 a.m. to 10 p.m.

Back of card

The elector named below whose proxy you are is entitled to vote at the polling station—

To vote as proxy you must go to that polling station. Remember that you will not be able to vote unless you show an approved form of photographic identification. Tell the clerk that you wish to vote as proxy; show your approved form of photographic identification and give the name and qualifying address of the elector, as follows:

Number on register

Name (of elector)

Address

If the clerk is satisfied that you are able to vote as a proxy he will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you on his behalf.

If you need help with voting please ask the clerk who will explain the assistance which can be provided.

To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone [Help Line Number].

ISSUED BY THE RETURNING OFFICER

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: *The Representation of the People (Northern Ireland) Regulations 2008 No. 1741*

Regulation 10(1)

Form C: RETURN OF EXPENSES REQUIRED BY SECTION 75 OF THE 1983 ACT
REPRESENTATION OF THE PEOPLE ACTS
ELECTION IN THE

CONSTITUENCY

Date of publication of notice of election

The expenses shown below were authorised in writing in accordance with the provisions of section 75
of the Representation of the People Act 1983.

They were authorised

by

(name of election agent)

for the candidate

(name of candidate) in the above-mentioned election.

They were incurred by

(person/association/body of persons).

The agent's written authority is attached to this return.

Amount of expenses incurred: £

Signature

Date

Regulation 10(1)

Form D: DECLARATION AS TO EXPENSES REQUIRED BY SECTION 75 OF THE 1983 ACT
REPRESENTATION OF THE PEOPLE ACTS
ELECTION IN THE

CONSTITUENCY

Date of publication of notice of election

Name of candidate

Name of election agent

I declare that—

1. I am [the person] or [a director, general manager, secretary or similar officer of the association, organisation or body of persons]* named as incurring expenses in the accompanying return of expenses required by section 75 of the Representation of the People Act 1983.
2. To the best of my knowledge and belief that return is complete and correct.
3. The matter for which the expenses referred to in that return were incurred is as follows

Signature

Office held

(In the case of an association, organisation or body of persons)

Date

*enter as appropriate

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Representation of the People (Northern Ireland) Regulations 2008 No. 1741

Regulation 62(3)

Form E: PROXY PAPER

REPRESENTATION OF THE PEOPLE ACTS

Constituency

Polling district

European Parliamentary electoral region

Name of Proxy

Address

is appointed as proxy for

(Name of elector)

*[who is qualified to be registered for]

(Qualifying address)

*[who qualifies as an overseas elector in respect of the above constituency] to vote for him/her at

*[the *[parliamentary] *[European Parliamentary] election for the above* [constituency]]

*[European Parliamentary electoral region] on (date)

*[any *[parliamentary] *[European Parliamentary] election for the above* [constituency]*[European
Parliamentary electoral region]] on (date)

*[This proxy appointment is not valid until]

Signature

Electoral Registration Officer

Address

Date

** Delete whichever is inappropriate*

YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

2. Your appointment as proxy may be for a particular election only, or it may be for a definite or indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or European Parliamentary election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.

3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.

4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about your right to vote by post.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Representation of the People (Northern Ireland) Regulations 2008 No. 1741

Regulation 68(1)

Form F: CERTIFICATE OF EMPLOYMENT

REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE
CONSTITUENCY

I certify that (name)

who is numbered

in the register of electors for the constituency named above cannot reasonably be expected to go in
person to the polling station allotted to him or her at the election on (*date of poll*)

by reason of the particular circumstances of his or her employment on that date for a purpose
connected with the election—

**Delete whichever *(a) as a constable*

*is inappropriate *(b) by me.*

Signature

*Returning officer/police officer (chief inspector or above).

Date

Note: The person named above is entitled to vote at any polling station of the above constituency on
production and surrender of this certificate to the presiding officer.

Regulation 69(1)
FORM: G

Form G
Corresponding Number List
(to be used at a parliamentary election taken alone)

Constituency:

Date of Poll:

Sheet No:

Ballot Paper Number	Unique Identifying Mark	Elector Number <i>(to be completed only in respect of ballot papers issued to postal voters)</i>
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Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: *The Representation of the People (Northern Ireland) Regulations 2008 No. 1741*

Regulation 69(1)
FORM: H

Form H
Corresponding Number List
(to be used in polling stations at Parliamentary election taken alone)

Constituency:

Date of Poll:

Sheet No:

Ballot Paper Number

Elector Number

Regulation 69(3)
FORM: J

Form J
Corresponding Number List
(to be used when a parliamentary election is combined with another election)

Constituency/
Area(s):

Date of Poll:

Sheet No:

Ballot Paper Number
*Identify the number issued
for election*

Unique Identifying Mark
*Identify the mark for each
ballot paper*

Elector Number
*(to be completed only in respect
of ballot papers issued to postal
voters)*

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: *The Representation of the People (Northern Ireland) Regulations 2008 No. 1741*

Regulation 69(4)
FORM: K

Form K
Corresponding Number List
(to be used in polling stations when a parliamentary election is combined with another election)

Constituency/
Area(s):

Date of Poll:

Polling Station:

Sheet No:

Ballot Paper Number
(Identify number issued for election)

Elector Number

Regulation 71(a)

Form L: DECLARATION OF IDENTITY

Front of form

DECLARATION OF IDENTITY

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No

I am the person to whom the ballot paper numbered above was sent.

My date of birth is.....(you are not required to give your date of birth if you are to vote as a proxy for someone else).

Voter's signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
 2. Vote for one candidate only. Put no other mark on the ballot paper or your vote may not be counted.
 3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
 4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll.
 5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
 6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
 7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.
-

Regulation 71(b)

Form M: DECLARATION OF IDENTITY (COMBINED POLLS)

(for use when a parliamentary poll is combined with a local poll)

Front of form

ELECTION OF DISTRICT COUNCILLORS

DECLARATION OF IDENTITY

To be returned with the *[insert colour of ballot paper]* coloured ballot paper No

I declare that I am the person to whom the *[insert colour of ballot paper]* coloured ballot paper
numbered as above was sent.

My date of birth is.....(you are not required to give your date of birth if you are to vote as a proxy
for someone else).

Voter's signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. Vote for one candidate only. Put no other mark on the ballot paper or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Different colours are used for the ballot papers for each election.

Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows—

- (a) place each ballot paper in the correct smaller envelope and seal it;
 - (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
 - (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.
5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as a proxy) at the *same election*. You are entitled to vote at different elections which are held on the same day.
 6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
 7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

Regulation 91(1)(b)

Form N: STATEMENT AS TO POSTAL BALLOT PAPERS

REPRESENTATION OF THE PEOPLE ACTS

PARLIAMENTARY ELECTION

Constituency

Date of poll

A. Issue of postal ballot papers

Number

1. Total number of postal ballot papers issued under regulation 76
2. Total number of postal ballot papers issued under regulation 81(2) (where the first ballot paper was spoilt and returned for cancellation)
3. Total number of postal ballot papers issued (1+2)

B. Receipt of postal ballot papers

Number

4. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under regulation 81(1) with spoilt ballot papers)
5. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered
6. Number of postal ballot papers returned spoilt for cancellation under regulation 81(1) in time for another ballot paper to be issued
7. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued
8. Number of covering envelopes returned as undelivered (up to the date of this statement)
9. Number of covering envelopes not received by the returning officer by the date of this statement
10. Total Nos. 4 to 9 (This number should be the same as that in 3. above)

C. Count of postal ballot papers

Number

11. Number of covering envelopes received by the returning officer before the close of poll (excluding any undelivered or returned under regulation 81(1) with spoilt ballot papers)
12. Number of ballot papers returned by postal voters which were included in the count of ballot papers
13. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under regulation 81(4) are not rejections and should be included in items 2 and 6 above)

Date

Signed

Returning Officer

Address

SCHEDULE 4

Regulation 14

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 AND 1985 ACTS
FOR REGISTRATION OF EUROPEAN PARLIAMENTARY OVERSEAS ELECTORS

1 Provision applied	2 Modification
PART 1: THE 1983 ACT	
Section 4(5) (attainers)(124)	
Section 9 (register of electors)(125)	<p>In subsection (1)(a) omit “for each constituency or part of a constituency”.</p> <p>In subsection (2) omit “subject to section 9B(3) below”.</p> <p>Omit subsection (2)(b).</p> <p>Omit subsections (5) to (8).</p>
Section 13 (publication of registers)(126)	<p>For subsection (1) to (3) substitute:</p> <p>“(1) Where a register under section 3 of the 1985 Act is in force, a revised version of it shall be published when a revised version of the registers of parliamentary and local government electors is published under this section as it has effect for the purposes of such registers”.</p> <p>In subsection (5) omit the words “, 13B or 13BA”.</p>
Section 13A (alteration of register)(127)	<p>In subsection (2)(b) omit the words “(subject to sections 13B(1) and 13BA(1) below)”.</p> <p>In subsection (3)(a) omit “or 3”.</p> <p>In subsection (3)(b) for “section 13(1)(a)” substitute “section 13(1)”.</p> <p>Omit subsection (4).</p> <p>In subsection (5) omit “and section 13B or 13BA below”.</p>
Section 50 (effect of misdescription)	For paragraphs (a), (b) and (c) substitute “in the register”.

(124) 1983 c.2; section 4 was substituted by section 1(2) of the 2000 Act (c.2).

(125) Section 9 was substituted by Schedule 1 to the 2000 Act. Subsection (2) was amended by paragraph 4 of Schedule 1 to the 2006 Act (c.22) but these amendments (which inserted the words “subject to section 9B(3)”) do not extend to Northern Ireland. Subsection (5) was also amended by the 2006 Act but these amendments do not extend to Northern Ireland. Subsection (6) was omitted by section 9(2) of the 2006 Act but this amendment does not extend to Northern Ireland.

(126) Sections 13 to 13B were substituted by Schedule 1 to the 2000 Act. Subsection 13(1) was substituted by section 5(1) of the Miscellaneous Provisions Act (c.33). The words “or 13BA” were inserted by Schedule 4 to the Miscellaneous Provisions Act 2006.

(127) Subsections (1), (2), (4) and (5) were amended by Schedule 4 to the Miscellaneous Provisions Act. Subsections (2A) and (2B) were inserted by section 1 of the 2002 Act (c.13). Subsection (3) was amended by section 5 of the Miscellaneous Provisions Act. The amendments made to section 13A by section 11 of the 2006 Act do not extend to Northern Ireland.

1 Provision applied	2 Modification
Section 52 (discharge of registration duties)(128)	In subsections (1), (2) and (4) after the word “Act” insert “and regulation 14 of the Representation of the People (Northern Ireland) Regulations 2008.”
Section 54 (payment of expenses of registration)(129)	In subsection (1) after the word “Act” in the first place where it occurs, insert “and Regulation 14 of the Representation of the People (Northern Ireland) Regulations 2008”.

<i>1 Provision applied</i>	<i>2 Modification</i>
	Omit subsection (3).
Section 58 (registration appeals: Northern Ireland)(130)	In subsection (4) omit “and 13BA”. In subsection (5) for “,13A(2) or 13BA(6) or (9)” substitute “or 13A(2)”.
Section 63 (breach of official duty)(131)	In subsection (3)— <ul style="list-style-type: none"> (a) for paragraphs (a) to (d) substitute: <ul style="list-style-type: none"> “(a) any registration officer;” and (b) for the words from “relating to” to the end of the subsection substitute “relating to the registration of European Parliamentary overseas electors”.

PART 2: THE 1985 ACT

Section 2 (registration of British citizens overseas)(132)	In subsection (1)(a) omit “constituency or”. In paragraph (c) of subsection (2) for the words from “parliamentary” to the end of that paragraph, substitute “local electors”. In subsection (4)(a) for “section 1” substitute “section 3”. In subsection (7) for “any constituency or part of a constituency” substitute “the electoral region”.
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(128) Section 52 was amended by Schedule 4 to the [1985 Act \(c.50\)](#) and subsection (1A) was inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).

(129) Section 54 was amended by Schedule 4 to the 1985 Act.

(130) Section 58 was substituted by Schedule 1 to the 2000 Act and then, for Northern Ireland, by Schedule 4 to the Miscellaneous Provisions Act.

(131) Section 63 was substituted by Schedule 4 to the 1985 Act. Subsection (3) was amended by section 41(8) of the 2006 Act and [S.I.2001/1149](#). Subsections (4) and (5) were inserted by section 46(6) of the 2006 Act.

(132) Section 2 was substituted by Schedule 2 to the 2000 Act and subsection (2)(aa) was inserted by section 12(9) of the 2006 Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Representation of the People (Northern Ireland) Regulations 2008 No. 1741*

1 Provision applied	2 Modification
In section 12 (offences as to declarations etc), subsections (1), (2) and (4)	In subsection (8) for “section 1(1)(a)” substitute “section 3(1)(a)”. In subsection (1)(a) for word “parliamentary” substitute “European Parliamentary”.

SCHEDULE 5

Regulation 27

Form of words about two versions of the register

What are the “full register” and the “edited register”?

There are two versions of the Electoral Register - the full Register and the edited Register.

Please say in your registration form if you wish your name and address to appear only in the full register.

The full Register

The full register lists the names and addresses of everyone who is entitled to vote. By law, certain people and organisations are allowed copies of the register. A list of these people and the purposes for which they can use the register is available at www.eoni.org.uk or by telephoning 08004320712. Anyone can look at the full register but it is a crime to use the information for purposes other than those allowed by law. For example, credit reference agencies can use the full register but only to check your name and address if you are applying for credit.

If you want to check the full register, you can inspect it at any Area Electoral Office or District Council Office.

The edited Register

The edited register can be bought by anyone who asks for a copy and they may use it for any purpose. For example, it can be used by marketing companies who send advertising. If you do not wish your name to appear on the edited register tick here

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Representation of the People (Northern Ireland) Regulations 2001(S.I.2001/400), as amended (“the 2001 Regulations”). These Regulations are needed in consequence of changes made by the Electoral Administration Act 2006 (c.22)(“ the 2006 Act”).

Part 1 of these Regulations is based on Part 1 of the 2001 Regulations (as amended). Regulations 5 and 6 of these Regulations differ from the equivalent provisions in the 2001 Regulations to facilitate the use of electronic communications in making representations.

The official poll card and the proxy’s official poll card have been amended in the light of the replacement of counterfoils made by section 31 of the 2006 Act and to make it clear that voters in Northern Ireland must show a specified form of photographic identification when voting.

Part 2 of these Regulations repeats Part 2 of the 2001 Regulations (as amended).

Part 3 of these Regulations is in substance the same as Part 3 of the 2001 Regulations (as amended). Regulation 24 differs from the equivalent provision in the 2001 Regulations and does not contain the previous offence in regulation 23 of the 2001 Regulations of providing false information in pursuance of a requisition of information by the registration officer. Section 15 of the 2006 Act has amended section 13D of the Representation of the People Act 1983 (c.2) (“the 1983 Act”), creating a broader offence of providing false information to registration officers. Regulation 24 also enables the Chief Electoral Officer to request documentation as well as information and to specify the form in which the information he requests must be provided.

Regulation 25 provides that the deadline for “late registration” of electors is to be the eleventh day before the date of the poll. This later deadline for registration means that the registration officer will not have time to make the normal checks on the information provided by the elector before polling day. In order to avoid electoral fraud, electors who apply for late registration will have to provide such of the original documents set out in regulation 25 as the registration officer may request. Regulation 25 provides, among other things, that a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Standards Scheme is acceptable evidence. Further information about this scheme can be obtained from the British Retail Consortium, 21 Dartmouth Street, London, SW1H 9BP (tel: 020 7854 8900) or on the website www.pass-scheme.org.uk.

Regulations 28 and 30 differ from the equivalent provisions in regulations 27 and 29 of the 2001 Regulations so as to make provision for objections made in respect of persons already entered in the register. The amendment made to section 10A of the 1983 Act by section 12(4) of the 2006 Act clarified that such objections could be made. Regulation 30 additionally provides for the registration officer to be able to determine objections without a hearing where he is of the opinion that the objection in question is clearly without merit.

Regulation 33 is a new provision which allows for the determination of objections relating to applications for registration which have been allowed, but where corresponding changes to the register have yet to take effect.

Regulations 34 to 38 are new provisions for which there were no equivalents in the 2001 Regulations. Section 12 of the 2006 Act amended the provisions of the 1983 Act set out in new regulation 34, to confer powers on the registration officer to make determinations of a person’s entitlement to be registered other than in relation to determining applications for registration and objections. These new regulations provide for the manner in which these powers are to be exercised. They provide for

the registration officer to undertake a review of a person's entitlement to registration (regulation 36) and to maintain a list of such reviews (regulation 37). Provision is made for when such reviews must be heard (regulation 36) and how they are to be heard (regulation 38). New regulation 35 provides that this procedure does not apply in specified circumstances, where it is clear that a person has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, for the purposes of a determination under section 10A(5)(b) of that Act.

Regulation 40 makes provision in relation to representations made by or on behalf of an elector that the electoral register contains a clerical error.

Regulation 33 of the 2001 Regulations, which prescribed circumstances for the purposes of section 10A(5)(b) of the 1983 Act, has not been replicated in these Regulations. This conferred a power on the registration officer to determine in the circumstances so prescribed that a person had ceased to satisfy the requirements for registration set out in section 4 of that Act. However, section 12(5)(b) of the 2006 Act, substituted a broader power that is now subject to the procedure set out in regulation 30.

Regulation 44(3) is a new provision which is not found in regulation 36 of the 2001 Regulations which preceded it. Paragraph (3) specifies the prescribed time for the purposes of section 13BA(7) and (8) of the 1983 Act. Section 13BA of the 1983 Act (as inserted by section 6 of the [Northern Ireland \(Miscellaneous Provisions\) Act 2006\(c.33\)](#)) allows alterations to be made to the electoral register in consequence of a court ruling or to correct a clerical error up to a prescribed time on the day of the poll.

Regulation 45, which is new, provides that where a notice of alteration is issued by a registration officer on polling day as a result of a court ruling or to correct a clerical error, the registration officer must communicate the contents of the notice to the presiding officer. Where such a communication takes place, the presiding officer is required to make a note as to the contents of the notice and forward it to the returning officer after the day of the poll.

Regulation 44 of the 2001 Regulations, which required the registration officer to supply the Secretary of State with information about electors, has not been reproduced in these Regulations. This is because regulation 44 had not been used and was considered otiose.

Part 4 of these Regulations repeats the substance of Part 4 of the 2001 Regulations. However, regulation 69 prescribes the form of corresponding number lists to be used at parliamentary elections at polling stations and for postal ballot papers. This is consequential on sections 30 (ballot paper design) and 31 (replacement of counterfoils) of the 2006 Act.

Part 5 of these Regulations repeats the substance of Part 5 of the 2001 Regulations. In regulations 76 and 79 references to counterfoils attached to ballot papers, which appeared in the 2001 Regulations, are replaced with references to the corresponding number list, following amendments made by section 31 of the 2006 Act.

Regulation 72 differs from regulation 67 of the 2001 Regulations in consequence of changes made by section 29 of the 2006 Act.

Part 6 of the Regulations repeats the substance of Part 6 of the 2001 Regulations. However, changes have been made in provisions which relate to the supply of the electoral register to ensure that where a registration officer is required to supply a person with a copy of the register, the register is taken to include any notices of alteration issued by the registration officer under section 13BA(3), (6) or (9) of the 1983 Act as inserted by section 6 of the [Northern Ireland \(Miscellaneous Provisions\) Act 2006](#).

The District Electoral Areas Commissioner has been added to the list of people who can receive the register under regulation 100.

The offences in regulation 114 differ from those previously found in regulation 109 of the 2001 Regulations in order to bring the offences for breach of conditions on the use of information in the full register in line with that for misuse of documents after an election.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: *The Representation of the People (Northern Ireland) Regulations 2008 No. 1741*

Part 7 is new and makes provision requiring the Chief Electoral Officer for Northern Ireland to supply or disclose information in documents that have been used or marked at parliamentary elections and places conditions on the use of information in those documents. An offence for breach of those conditions is set out in section 66B of the 1983 Act which was inserted by section 41(9) of the 2006 Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.