

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

DRAFT STATUTORY INSTRUMENTS

2018 No.

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Northern
Ireland) (Amendment) Regulations 2018**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)*

The Secretary of State, in exercise of the powers conferred by sections 9B(1A)(1) and 53(1)(b)(i) and (3)(2) of, and paragraph 5(1B) of Schedule 2(3) to, the Representation of the People Act 1983(4), makes the following Regulations.

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(5) the Secretary of State has consulted the Electoral Commission before making these Regulations.

In accordance with section 201(2) of the Representation of the People Act 1983(6), a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2018.

(2) They come into force on the day after the day on which they are made.

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- (1) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and sub-section (1A) was substituted by paragraphs 1 and 7(1) and (2) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). “Prescribed” is defined in section 202(1) of the Representation of the People Act 1983 (c. 2).
- (2) Section 53(1)(b) was substituted by paragraph 13(b) of Schedule 1 to the Representation of the People Act 2000 (c. 2), and section 53(3) was amended by section 24 of, and paragraph 13(b) of Schedule 4 to, the Representation of the People Act 1985 (c. 50).
- (3) Paragraph 5(1B) of Schedule 2 was inserted by paragraphs 2 and 15(1) and (5) of Schedule 1 to the Electoral Administration Act 2006.
- (4) 1983 c. 2.
- (5) 2000 c. 41. There are amendments to section 7 but none is relevant.
- (6) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000, section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and article 5(b) of S.I. 1991/1728.

Amendments to the Representation of the People (Northern Ireland) Regulations 2008

2.—(1) The Representation of the People (Northern Ireland) Regulations 2008(7) are amended as follows.

(2) In regulation 38C(3) (anonymous registration: evidence consisting of relevant court orders or injunctions)(8)—

(a) at the end of sub-paragraph (p), omit “or”; and

(b) at the end of sub-paragraph (q), insert—

“(r) a domestic violence protection order made under section 28 of the Crime and Security Act 2010(9) or section 97 of, and paragraph 5 of Schedule 7 to, the Justice Act (Northern Ireland) 2015(10); or

(s) a female genital mutilation protection order made under section 5A of, and paragraphs 1 or 18 of Schedule 2 to, the Female Genital Mutilation Act 2003(11).”.

(3) In regulation 38D(4) (anonymous registration: evidence by attestation)(12)—

(a) in each of sub-paragraphs (a), (b) and (c), for “superintendent” substitute “inspector”; and

(b) at the end of sub-paragraph (k) insert—

“(l) any registered medical practitioner;

(m) any registered nurse or midwife;

(n) any person who manages a refuge.”.

(4) After regulation 38D(4), insert—

“(5) In this regulation, “refuge” means accommodation together with a planned programme of therapeutic and practical support for victims of, or those at risk of, domestic abuse or violence.”.

Date

Name
Parliamentary Under Secretary of State
Northern Ireland Office

(7) S.I. 2008/1741.

(8) Regulation 38C was inserted by regulation 10 of S.I. 2014/1808.

(9) 2010 c. 17.

(10) 2015 c. 9. Section 97 and paragraph 5 of Schedule 7 are not yet in force.

(11) 2003 c. 31. Section 5A and Schedule 2 were inserted by section 73(1) and (2) of the Serious Crime Act 2015 (c. 9).

(12) Regulation 38D was inserted by regulation 10 of S.I. 2014/1808.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (“the 2008 Regulations”) in relation to the evidence which can be used in support of an application for anonymous registration. Part 3 of the 2008 Regulations makes provision about registration for elections in Northern Ireland in relation to the register of Parliamentary electors and the register of local electors. A person’s ability to vote in Northern Ireland Assembly elections depends on them being able to vote in a district council election in Northern Ireland (see Article 4 of the Northern Ireland Assembly (Elections) Order 2001, S.I. 2001/2599).

Regulation 38A of the 2008 Regulations governs the procedure for applying for an anonymous entry in the electoral register. An application must be accompanied by evidence of the nature prescribed in regulation 38C (court orders or injunctions protecting the applicant (or another person in their household)) or regulation 38D (attestation by a qualifying officer that the safety of the applicant (or another person in their household) is at risk if the electoral register contained their name or address). Regulation 2(2) amends regulation 38A of the 2008 Regulations to include additional court orders: domestic violence protection orders and female genital mutilation orders.

Under existing regulation 38D(4)(a) to (c) of the 2008 Regulations, police officers of or above the rank of superintendent of any police force in England and Wales, the Police Service of Scotland, or the Police Service of Northern Ireland are qualifying officers and may attest an application for anonymous registration. Regulation 2(3)(a) amends that provision so that police officers of or above the rank of inspector of any police force in England and Wales, the Police Service of Scotland, and the Police Service of Northern Ireland are qualifying officers.

Regulation 2(3)(b) inserts new sub-paragraphs to regulation 38D(4) of the 2008 Regulations to include within the meaning of qualifying officer any registered doctor, any registered nurse or midwife, and any refuge manager. “Registered medical practitioner” and “registered” (in relation to nurses and midwives) are defined in the Interpretation Act 1978. A “refuge” is defined in new regulation 38D(5) of the 2008 Regulations inserted by regulation 2(4).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.