



Electoral Administration Act 2006

2006 CHAPTER 22

PART 2

REGISTRATION OF ELECTORS

9 Registration officers: duty to take necessary steps

(1) After section 9 of the 1983 Act (registers of electors) insert—

“9A Registration officers: duty to take necessary steps

- (1) Each registration officer must take all steps that are necessary for the purpose of complying with his duty to maintain the registers under section 9 above.
- (2) The steps include—
 - (a) sending more than once to any address the form to be used for the canvass under section 10 below;
 - (b) making on one or more occasions house to house inquiries under subsection (5) of that section;
 - (c) making contact by such other means as the registration officer thinks appropriate with persons who do not have an entry in a register;
 - (d) inspecting any records held by any person which he is permitted to inspect under or by virtue of any enactment or rule of law;
 - (e) providing training to persons under his direction or control in connection with the carrying out of the duty.
- (3) Regulations made by the Secretary of State may amend subsection (2) by—
 - (a) varying any of the paragraphs in that subsection;
 - (b) inserting any paragraph;
 - (c) repealing any paragraph.”

(2) Subsection (6) of section 9 of that Act is omitted.

10 Anonymous registration

(1) After section 9A of the 1983 Act (inserted by section 9(1) above) insert—

“9B Anonymous registration

- (1) This section applies if an application for registration in a register of parliamentary electors or local government electors is made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) below and is accompanied by—
 - (a) an application under this section made in accordance with prescribed requirements (an application for an anonymous entry),
 - (b) a declaration made in accordance with such requirements for the purposes of this section, and
 - (c) such evidence in support of the application for an anonymous entry as may be prescribed.
- (2) If the registration officer determines that the person is entitled to be registered, he must also determine whether the safety test is satisfied.
- (3) If the registration officer determines that the safety test is satisfied—
 - (a) section 9(2) above does not apply in relation to the person; and
 - (b) the person’s entry in the register shall instead contain letters in the prescribed form and his electoral number.
- (4) An entry containing the matters mentioned in subsection (3)(b) above is referred to in this Act as an anonymous entry.
- (5) If an anonymous entry is made in respect of a person, the registration officer shall remove any other entry in the register for that person.
- (6) If the registration officer does not determine that the safety test is satisfied, no entry is to be made in respect of him in the register (whether an anonymous entry or otherwise).
- (7) Subsection (6) above does not affect—
 - (a) any other entry in the register for the person;
 - (b) the determination of any further application for registration which is made by the person (including an application which is treated as having been made by him by virtue of section 10A(2) below).
- (8) Any communication sent by a registration officer or the returning officer for any election to a person who has an anonymous entry (A) must be sent in an envelope or other form of covering so as not to disclose to any other person that A has an anonymous entry.
- (9) Subsection (8) does not apply to a communication relating only to a local government election in Scotland.
- (10) The safety test is satisfied if the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.
- (11) In this section, “determines” means determines in accordance with regulations.

9C Removal of anonymous entry

- (1) If a person has an anonymous entry in a register, his entitlement to remain registered in pursuance of the application for registration mentioned in section 9B(1) terminates—
 - (a) at the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
 - (b) if the declaration made for the purposes of section 9B is cancelled at any time before the expiry of that 12 month period, at the time when the declaration is cancelled.
 - (2) Subsection (1) above does not affect the application of any other provision of this Act or of the Representation of the People Act 1985 which has the effect that the person's entitlement to registration terminates before the expiry of the 12 month period mentioned in subsection (1) or before the cancellation of the declaration made for the purposes of section 9B.
 - (3) If a person's entitlement to remain registered terminates by virtue of subsection (1) above, the registration officer concerned shall remove his entry from the register, unless he is entitled to remain registered with an anonymous entry in pursuance of a further application for registration accompanied by a further application under section 9B.”
- (2) Part 1 of Schedule 1 (which makes further provision in connection with anonymous registration) has effect.

11 Alterations of registers: pending elections

- (1) Section 13B of the 1983 Act (alteration of registers: pending elections) is amended in accordance with subsections (2) to (4).
- (2) For subsection (1) substitute—

“(1) If, by virtue of section 13A(2) above, an alteration in a published version of a register is to take effect after the fifth day before the date of the poll for an election to which this section applies, the alteration does not have effect for the purposes of the election.”
- (3) For subsection (2) substitute—

“(2) Subsection (3) below applies where—

 - (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination, requirement or decision falling within any of paragraphs (a) to (d) of that subsection;
 - (b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area; and
 - (c) no alteration made in consequence of the determination, requirement or decision—
 - (i) has already taken effect, or
 - (ii) is due to take effect,

Status: This is the original version (as it was originally enacted).

under subsection (2) of that section on or before the fifth day before the date of the poll.”

(4) After subsection (3) insert—

“(3A) Subsection (3B) below applies where—

- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a notification mentioned in paragraph (c) of that subsection; and
- (b) in consequence of the notification—
 - (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or
 - (ii) his entry in the register requires to be altered.

(3B) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

- (a) the notice shall be so issued by him when he receives the notification; and
- (b) the alteration shall take effect as from the beginning of the day on which the notice is issued.

(3C) Subsection (3D) below applies where—

- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination falling within paragraph (d) of that subsection;
- (b) the determination was made following a representation made by or on behalf of a person to the registration officer; and
- (c) in consequence of the determination—
 - (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or
 - (ii) his entry in the register requires to be altered.

(3D) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

- (a) the notice shall be so issued by him when he makes the determination; and
- (b) the alteration shall take effect as from the beginning of the day on which the notice is issued.

(3E) In subsection (3C)(b) above, “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.”

(5) In section 56 of the 1983 Act (registration appeals), in subsection (4A) for the words from “13B(3) above” to “returning officer” substitute “13B(3) or (3B) above on or before the date of the poll”.

(6) Part 2 of Schedule 1 (which contains further amendments of the 1983 Act relating to the alteration of registers) has effect.

12 Determinations by registration officers and objections

- (1) In section 7 of the 1983 Act (residence: patients in mental hospitals who are not detained offenders or on remand), after subsection (3)(a) insert—
 - “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered, or”.
- (2) In section 7A of that Act (residence: persons remanded in custody etc.), after subsection (3)(a) insert—
 - “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered, or”.
- (3) In section 7C of that Act (effect of declaration of local connection), after subsection (2)(a) insert—
 - “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered.”.
- (4) In section 10A of that Act (maintenance of registers: registration of electors) after subsection (3) insert—

“(3A) Subsection (3) above applies to an objection to a person’s registration whether the objection is made before or after the person is registered in the register.”
- (5) In that section, in subsection (5)—
 - (a) omit the word “duly”;
 - (b) for paragraph (b) substitute—
 - “(b) determines that the elector was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.”
- (6) In that section, after subsection (5A) insert—

“(5B) A registration officer may, for the purpose of obtaining any information relevant to a determination under subsection (5)(b) above, make such house to house inquiries as he thinks fit.”
- (7) In section 15 of that Act (service declaration), after subsection (2)(a) insert—
 - “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered.”.
- (8) In section 56 of that Act (registration appeals), after subsection (1)(a) insert—
 - “(aa) from any decision under this Act of the registration officer (other than on an application for registration or objection to a person’s registration) that a person registered in respect of any address was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.”.
- (9) In section 2 of the Representation of the People Act 1985 (c. 50) (registration of British citizens overseas), after subsection (2)(a) insert—
 - “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered.”.

13 Registration of voters with service qualification

- (1) In section 15 of the 1983 Act (service declaration), after subsection (8) insert—
- “(9) The Secretary of State may by order provide that, in relation to the persons mentioned in section 14(1)(a) and (d), subsection (2)(a) above has effect as if for the period of 12 months there were substituted such other period (not exceeding five years) as he thinks appropriate.
- (10) The power to make an order under subsection (9) is exercisable by statutory instrument, which may contain such incidental or consequential provision as the Secretary of State thinks appropriate.
- (11) No order may be made under subsection (9) unless—
- (a) the Secretary of State first consults the Electoral Commission, and
 - (b) a draft of the instrument containing the order is laid before, and approved by a resolution of, each House of Parliament.
- (12) If the period substituted by an order under subsection (9) is longer than the period for the time being in force, the longer period has effect in relation to any person who immediately before the order was made was entitled to remain in a register by virtue of subsection (2).”
- (2) In section 59 of that Act (supplemental provisions as to members of forces and service voters), for subsection (3) substitute—
- “(3) Arrangements must be made by the appropriate government department for securing that every person having a service qualification by virtue of paragraph (a) or (b) of section 14(1) above has (so far as circumstances permit) an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Act in relation to—
- (a) registration in a register of electors (and in particular in relation to the making and cancellation of service declarations);
 - (b) the making and cancellation of appointments of a proxy;
 - (c) voting in person, by post or by proxy.
- (3A) Arrangements must be made by the appropriate government department for securing that every such person receives such instructions as to the effect of this Act and any regulations made under it, and such other assistance, as may be reasonably sufficient in connection with the exercise by that person and any spouse or civil partner of that person of any rights conferred on them as mentioned above.
- (3B) In subsections (3) and (3A) “the appropriate government department” means, in relation to members of the forces, the Ministry of Defence, and in relation to any other person means the government department under which he is employed in the employment giving the service qualification.
- (3C) The Ministry of Defence must maintain, in relation to each member of the forces who provides information relating to his registration as an elector, a record of such information.
- (3D) The Ministry of Defence must make arrangements to enable each member of the forces to update annually the information recorded under subsection (3C).”
- (3) In section 59(4) of that Act, for “subsection (3)” substitute “subsections (3) and (3A)”.