

These notes refer to the Northern Ireland (Miscellaneous Provisions) Act (c.13) which received Royal Assent on 13 March 2014 (c.13) which received Royal Assent on 13 March 2014

NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) ACT (C.13) WHICH RECEIVED ROYAL ASSENT ON 13 MARCH 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 16: Absent Voting

86. Section 13A of the RPA 1983 provides for the procedure to be followed for the alteration of an electoral register (for example, for a change of address or addition to the register). Having received an application for registration, the registration officer must determine whether to allow the application, taking into account any objections. The process of determining each application for registration can take some time. If the registration officer allows an application, he shall issue a notice specifying the appropriate alteration in the register. The alteration will take effect in the register between 2 weeks and 6 ½ weeks after the application has been allowed.
87. Section 13BA of the RPA 1983 provides for alterations to be made where an election is pending. In normal circumstances, alterations which would take effect after the ‘final nomination day’ (the 11th working day before the poll) will have no effect for the purpose of that election unless the alterations are due to an appeal or a clerical error. However, there is a “late registration period” between the final nomination day and the 11th calendar day before the poll. Persons who want their details to be altered in the register in time for the election must submit additional evidence to the registration officer before the end of the “late registration period”. The alteration (if approved) will take effect on the 5th or 6th calendar day before the poll, which gives the registration officer time to consider the application and additional evidence before publishing the alteration.
88. There is an additional limitation in Northern Ireland. A person whose registration took place as a result of an alteration made during the ‘late registration’ period is not entitled as an elector to an absent vote at that election and must not be shown in the absent voters list for that election. This restriction has the effect of disenfranchising a small number of people who register or change their details on the register during the late registration period, but are unable to attend a polling station in person.
89. Subsection (1) removes the current bar on those who register during the late registration period from applying for an absent vote. Persons who register during the late registration period will be able to apply for an absent vote on the same basis as persons who were already on the electoral register and made no alteration during the late registration period. Subsection (2) makes consequential amendments.
90. This section does not amend the more general closing dates for applications for an absent vote, which are set out in regulation 61 of the 2008 Regulations, paragraph 11

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of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 and paragraph 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004.