
STATUTORY INSTRUMENTS

2009 No. 725

REPRESENTATION OF THE PEOPLE

**The Representation of the People
(Amendment) Regulations 2009**

Made - - - - 16th March 2009

Coming into force in accordance with regulation 1(1)

These Regulations are made in exercise of powers in sections 9B(1)(c) and 53(3) of, and paragraphs 5(1B), 10B(1) and (2) and 11(1)(b) and (2) of Schedule 2 to, the Representation of the People Act 1983(1), having regard to the definition of “prescribed” in section 202(1) of that Act, and section 3(5) to (7) of the Representation of the People Act 1985(2).

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(3).

In accordance with section 201(2) of the Representation of the People Act 1983(4), a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Amendment) Regulations 2009 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(5);

-
- (1) 1983 c. 2. Section 9B was inserted by the Electoral Administration Act 2006 (c. 22), section 10(1). Section 53(3) was amended by the Representation of the People Act 1985 (c. 50), Schedule 4, paragraph 13. Paragraph 5(1B) of Schedule 2 was inserted by the Electoral Administration Act 2006 (c. 22), Schedule 1, paragraph 15(5), and paragraphs 10B and 11 were substituted by the Representation of the People Act 2000 (c. 2), section 9.
- (2) 1985 c. 50. Section 3 was substituted by the Representation of the People Act 2000 (c. 2), Schedule 2, paragraph 4. Subsection (7) was amended by the Electoral Administration Act 2006 (c. 22), Schedule 1, Part 1, paragraph 17(3).
- (3) 2000 c. 41.
- (4) Section 201(2) was substituted by the Representation of the People Act 1985 (c. 50), Schedule 4, paragraph 69 and amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 6(7)(b) and S.I. 1991/1728, article 5(b). By virtue of section 27(2) of the Representation of the People Act 1985, section 3(5) to (7) of that Act has effect as if it was contained in Part I of the Representation of the People Act 1983.
- (5) S.I. 2001/341, amended by S.I. 2001/1700, S.I. 2002/1871, S.I. 2005/2114, S.I. 2006/752, S.I. 2006/2910 and S.I. 2006/3406; there are other amending instruments but none is relevant.

“the 2001 Scotland Regulations” means the Representation of the People (Scotland) Regulations 2001(6).

(3) These Regulations do not extend to Northern Ireland.

Amendment of the 2001 Regulations

2. The 2001 Regulations are amended as follows.

Registration of European Parliamentary overseas electors in England and Wales

3. In regulation 13 (registration of European Parliamentary overseas electors) for paragraph (6) substitute—

“(6) The regulations which are set out in column 1 of Schedule 4A to these Regulations shall, subject to—

(a) any modifications specified in relation to those provisions in column 2 of that Schedule, and

(b) paragraph (7) below,

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.”.

4.—(1) Part I of Schedule 4 (application with modifications of provisions of the 1983 Act for registration of European Parliamentary overseas electors) is amended as follows.

(2) In the entry in column 2 relating to section 9(7) (register of electors) insert in the appropriate place “In subsection (2) omit “Subject to section 9B(3) below.”.”.

(3) After the entry in column 1 relating to section 9 (register of electors) insert “Section 10A(8) (maintenance of registers: registration of electors), subsections (1)(a), (3), (3A), (4) and (9)”.

(4) In the entry in column 2 relating to section 10A (maintenance of registers: registration of electors) insert—

“In subsection (3) after “register in question” insert “or by a person entitled to vote as an elector at an election to the European Parliament by virtue of section 8 of the European Parliamentary Elections Act 2002(9)”.

In subsection (4) for “Subsections (1) and (3) above” substitute “Subsections (1)(a) and (3) above”.

In subsection (4) omit paragraph (b).

In subsection (9) omit the definition of “resident”.”.

(5) In the entry in column 2 relating to section 13A(10) (alteration of registers) insert—

“In subsection (1)(b) for “by virtue of any provision of this Part of this Act” substitute “by virtue of any provision of the Representation of the People Act 1985”.

In subsection (1)(c) omit “or 58”.

(6) S.I. 2001/497 (S. 2), amended by S.I. 2001/1749 (S. 11), S.I. 2002/1872 (S. 7), S.I. 2005/2114, S.I. 2006/834 (S. 9), S.I. 2006/3406, S.I. 2007/925 (S. 2); there are other amending instruments but none is relevant.

(7) Section 9 was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 3 and amended by the Electoral Administration Act 2006 (c. 22), section 9(2), Schedule 1, Part 1, paragraph 4 and Schedule 2.

(8) Section 10A was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 4. Subsection (3A) was inserted by the Electoral Administration Act 2006 (c. 22), section 12(4).

(9) 2002 c. 24. Section 8 was amended by the European Parliament (Representation) Act 2003 (c. 7), section 15(3).

(10) Section 13A was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6 and amended by the Electoral Administration Act 2006 (c. 22), Schedule 1, Part 2, paragraph 32 and the Northern Ireland (Miscellaneous Provisions) Act 2006, section 5(2) and Schedule 4, Part 1, paragraph 4.

In subsection (2)(b) for “sections 13B(1) and 13BA(1)” substitute “section 13B(1)”.

For subsection (3) substitute:

“(3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—

- (a) at the beginning of the month containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1) or (3) as it has effect for the purposes of such registers, or
- (b) at the beginning of either of the two months preceding that containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1)(a) as it has effect for the purposes of such registers,

and in such a case the alteration in question shall be made in those revised versions of the registers.”.

In subsection (4) omit “or 13BA(3), (6) or (9)”.

In subsection (5) omit “or 13BA”.

In subsection (6) omit from “; and section 119 below shall apply” to the end.”.

(6) In the entry in column 2 relating to section 13B(11) (alteration of registers: pending elections) insert in the appropriate place “Omit subsection (6).”.

(7) For the entry in column 2 relating to section 56(12) (registration appeals: England and Wales) substitute—

“In subsection (1) for paragraph (aa) substitute:

“(aa) from any decision under section 2(2)(aa) of the Representation of the People Act 1985 of the registration officer that a person registered in a register of parliamentary electors in pursuance of a European Parliamentary overseas elector’s declaration was not entitled to be registered.”.

In subsection (1) omit paragraphs (ab) and (b).”.

5. After Schedule 4 insert—

“SCHEDULE 4A

Regulation 13

APPLICATION WITH MODIFICATIONS OF REGULATIONS FOR REGISTRATION OF EUROPEAN PARLIAMENTARY OVERSEAS ELECTORS

<i>I</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 3(13)	In paragraph (1) omit the definition of “certificate of anonymous registration”.

(11) Section 13B was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6 and amended by the Electoral Administration Act 2006 (c. 22), section 11; there have been other amendments but none is relevant.
(12) Section 56 was amended by the Representation of the People Act 1985 (c. 50), Schedule 2, Part 1, paragraph 1, Schedule 4, paragraph 16 and Schedule 5, the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 14 and Schedule 7, Part 1, and the Electoral Administration Act 2006 (c. 22), sections 11(5) and 12(8), Schedule 1, Part 1, paragraph 8.
(13) Regulation 3 was amended by S.I. 2001/1700, S.I. 2002/1871 and S.I. 2006/2910.

<i>I</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 5 (14)	
Regulation 6	
Regulation 7 (15)	
Regulation 8 (16)	
Regulation 11	
Regulation 18	In paragraphs (4), (5) and (7) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 19	In paragraph (1) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 20 (17)	In paragraph (1) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 21	
Regulation 22	In paragraph (3) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 23 (18)	
Regulation 24	Omit paragraph (4A).
Regulation 25 (19)	
Regulation 27 (20)	
Regulation 28	Omit paragraph (2).
Regulation 29	Omit paragraphs (2B) and (4A).

(14) Regulations 5 and 6 were amended by [S.I. 2006/2910](#).

(15) Regulation 7 was amended by [S.I. 2002/1871](#) and [S.I. 2006/2910](#).

(16) Regulation 8 was amended by [S.I. 2006/2910](#).

(17) Regulation 20 was amended by [S.I. 2005/2114](#).

(18) Regulations 23 and 24 were amended by [S.I. 2006/2910](#).

(19) Regulation 25 was amended by [S.I. 2006/3406](#).

(20) Regulations 27, 28 and 29 were amended by [S.I. 2006/2910](#).

<i>I</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 30	In paragraph (4) omit “Subject to paragraph (4A),”.
Regulation 31	
Regulation 31A(21)	
Regulation 31B	In paragraph (1) for “regulations 31C to 31F” substitute “regulations 31D to 31F”.
	For paragraph (2) substitute: “(2) The functions specified in this paragraph are determining under section 2(2) (aa) of the 1985 Act whether a person was entitled to be registered.”.
Regulation 31D	Omit paragraph (3).
	In paragraphs (5) and (8) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.”.
Regulation 31E	In paragraph (2) omit sub-paragraph (c).
	Omit paragraph (4).
Regulation 31F	In paragraph (6) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act,”.
Regulation 32(22)	In paragraph (1) for sub-paragraph (b) substitute: “(b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31D to 31F that a person was not entitled to be registered;”.
	In paragraph (1) omit sub-paragraph (c).
Regulation 36(2) and (3)(23)	In sub-paragraph (2)(b) omit “except in a case falling within regulation 31C(2)(d) above,”.
Regulation 38	
Regulation 39	

(21) Regulations 31A to F were inserted by S.I. 2006/2910.

(22) Regulation 32 was amended by S.I. 2006/2910.

(23) Regulation 36(2) and (3) was amended by S.I. 2002/1871 and S.I. 2006/2910.

<i>1</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 40	For paragraph (1) substitute: <p>“(1) Section 9(2)(b) of the 1983 Act (which requires each register of parliamentary or local government electors to contain the qualifying addresses of the persons registered in it) does not apply to an address which is specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act.”.</p> <p>Omit paragraphs (2) and (3).</p>
Regulation 41	
Regulation 42(24)	
Regulation 43(25)	In paragraph (1) omit “and (3)”.
Regulation 45	In paragraph (4) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations”.

Evidence in support of application for anonymous registration in England and Wales

6. In regulation 31I(3) (anonymous registration: evidence consisting of relevant court orders or injunctions)(26) after sub-paragraph (g) insert—

“;

- (h) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997(27);
- (i) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997(28);
- (j) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997(29);
- (k) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(30).”.

7. In regulation 31J(4) (anonymous registration: evidence by attestation)—

- (a) in sub-paragraph (a) for “the chief officer of police” substitute “a police officer of or above the rank of superintendent”;
- (b) in sub-paragraph (b) for “the chief constable” substitute “a police officer of or above the rank of superintendent”;

(24) Regulation 42 was amended by S.I. 2006/2910.

(25) Regulations 43 and 45 were amended by S.I. 2002/1871.

(26) Regulations 31G to J were inserted by S.I. 2006/2910.

(27) S.I. 1997/1180 (N.I. 9).

(28) Article 7 was amended by the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 13(1) to (4) and Schedule 10, paragraph 47, and Schedule 11 but the amendments are not yet in force.

(29) Article 7A was inserted by the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 13(5) but is not yet in force.

(30) S.I. 1998/1071 (N.I. 6). Article 20 was amended by the Civil Partnership Act 2004 (c. 33), Schedule 19, Part 1, paragraph 15. There are other amendments to S.I. 1998/1071 (N.I. 6) but none are relevant.

- (c) in sub-paragraph (c) for “the Chief Constable” substitute “a police officer of or above the rank of superintendent”; and
- (d) for sub-paragraphs (f) to (h) substitute—
 - “.
 - ”
 - (f) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970(31);
 - (g) any director of children’s services in England within the meaning of section 18 of the Children Act 2004(32);
 - (h) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970(33);
 - (i) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968(34);
 - (j) any director of social services of a Health and Social Services Board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(35);
 - (k) any executive director of social work of a Health and Social Services Trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(36)

Supply of full register etc to the Statistics Board

8.—(1) In the heading to regulation 99 (supply of free copy of full register etc to Office for National Statistics and restrictions on use)(37) for “Office for National Statistics” substitute “Statistics Board”(38).

(2) In regulation 99—

- (a) in paragraph (1) for “Office for National Statistics” substitute “Statistics Board” and for ““the Office”” substitute ““the Board””; and
- (b) in paragraphs (2), (3), (4)(a), (4A) and (6), for “the Office” substitute “the Board”.

Amendment of the 2001 Scotland Regulations

9. The 2001 Scotland Regulations are amended as follows.

Registration of European Parliamentary overseas electors in Scotland

10. In regulation 13 (registration of European Parliamentary overseas electors) for paragraph (6) substitute—

“(6) The regulations which are set out in column 1 of Schedule 4A to these Regulations shall, subject to—

(31) 1970 c. 42. Section 6(A1) was inserted by the Children Act 2004 (c. 31), Schedule 2, paragraph 2(2)(a).

(32) 2004 c. 31. Section 18 was amended by the Childcare Act 2006 (c. 21), section 16(2), Schedule 3, Part 2, the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraph 266 and the Further Education and Training Act 2007 (c. 25), Schedule 2.

(33) Section 6(1) was amended by the Children Act 2004 (c. 31), Schedule 2, paragraph 2(2)(b).

(34) 1968 c. 49. Section 3 was substituted by the Local Government etc. (Scotland) Act 1994 (c. 39), section 45.

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

(36) S.I. 1991/194 (N.I. 1).

(37) Regulation 99 was inserted by S.I. 2002/1871 and amended by S.I. 2006/752 and S.I. 2006/2910.

(38) The Statistics Board was established under section 1 of the Statistics and Registration Service Act 2007 (c. 18) and is responsible for the statistical functions previously carried out by the Office for National Statistics.

- (a) any modifications specified in relation to those provisions in column 2 of that Schedule, and
- (b) paragraph (7) below,

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."

11.—(1) Part I of Schedule 4 (application with modifications of provisions of the 1983 Act for registration of European Parliamentary overseas electors) is amended as follows.

(2) In the entry in column 2 relating to section 9 (register of electors) insert in the appropriate place "In subsection (2) omit "Subject to section 9B(3) below,"."

(3) After the entry in column 1 relating to section 9 (register of electors) insert "Section 10A (maintenance of registers: registration of electors), subsections (1)(a), (3), (3A), (4) and (9)".

(4) In the entry in column 2 relating to section 10A (maintenance of registers: registration of electors) insert—

"In subsection (3) after "register in question" insert "or by a person entitled to vote as an elector at an election to the European Parliament by virtue of section 8 of the European Parliamentary Elections Act 2002".

In subsection (4) for "Subsections (1) and (3) above" substitute "Subsections (1)(a) and (3) above".

In subsection (4) omit paragraph (b).

In subsection (9) omit the definition of "resident".

(5) In the entry in column 2 relating to section 13A (alteration of registers) insert—

"In subsection (1)(b) for "by virtue of any provision of this Part of this Act" substitute "by virtue of any provision of the Representation of the People Act 1985".

In subsection (1)(c) omit "or 58".

In subsection (2)(b) for "sections 13B(1) and 13BA(1)" substitute "section 13B(1)".

For subsection (3) substitute:

"(3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—

- (a) at the beginning of the month containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1) or (3) as it has effect for the purposes of such registers, or
- (b) at the beginning of either of the two months preceding that containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1)(a) as it has effect for the purposes of such registers,

and in such a case the alteration in question shall be made in those revised versions of the registers."

In subsection (4) omit "or 13BA(3), (6) or (9)".

In subsection (5) omit "or 13BA".

In subsection (6) omit from "; and section 119 below shall apply" to the end."

(6) In the entry in column 2 relating to section 13B (alteration of registers: pending elections) insert in the appropriate place "Omit subsection (6)".

(7) For the entry in column 2 relating to section 56 as applied by section 57 (registration appeals: Scotland) substitute—

“In subsection (1) for paragraph (aa) substitute:

“(aa) from any decision under section 2(2)(aa) of the Representation of the People Act 1985 of the registration officer that a person registered in a register of parliamentary electors in pursuance of a European Parliamentary overseas elector’s declaration was not entitled to be registered.”.

In subsection (1) omit paragraphs (ab) and (b).”.

12. After Schedule 4 insert—

“SCHEDULE 4A

Regulation 13

APPLICATION WITH MODIFICATIONS OF REGULATIONS FOR REGISTRATION OF EUROPEAN PARLIAMENTARY OVERSEAS ELECTORS

<i>1</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 3(39)	In paragraph (1) omit the definition of “certificate of anonymous registration”.
Regulation 5(40)	
Regulation 6	
Regulation 7(41)	
Regulation 8(42)	
Regulation 11	
Regulation 18	In paragraphs (4), (5) and (7) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 19	In paragraph (1) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 20(43)	In paragraph (1) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.

(39) Regulation 3 was amended by S.I. 2001/1749 (S. 11), S.I. 2002/1872 (S. 7) and S.I. 2007/925 (S. 2).

(40) Regulations 5 and 6 were amended by S.I. 2007/925 (S. 2).

(41) Regulation 7 was amended by S.I. 2002/1872 (S. 7) and S.I. 2007/925 (S. 2).

(42) Regulation 8 was amended by S.I. 2007/925 (S. 2).

(43) Regulation 20 was amended by S.I. 2005/2114.

<i>1</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 21	
Regulation 22	In paragraph (3) after “regulation 13(6) above” insert “and Schedule 4A to these Regulations” and for “modifications made by that regulation” substitute “modifications made by that Schedule”.
Regulation 23(44)	
Regulation 24	Omit paragraph (4A).
Regulation 25(45)	
Regulation 27(46)	
Regulation 28	Omit paragraph (2).
Regulation 29	In paragraph (2)(a) omit “, other than applications accompanied by an application for anonymous entry”.
	In paragraph (2A) omit “(other than an application accompanied by an application for an anonymous entry)”.
	In paragraph (4) omit “Subject to paragraph (4A),”.
	Omit paragraph (4A).
Regulation 30	
Regulation 31	
Regulation 31A(47)	
Regulation 31B	In paragraph (1) for “regulations 31C to 31F” substitute “regulations 31D to 31F”.
	For paragraph (2) substitute: “(2) The functions specified in this paragraph are determining under section 2(2) (aa) of the 1985 Act whether a person was entitled to be registered.”.
Regulation 31D	Omit paragraph (3).
	In paragraphs (5) and (8) omit “or, as the case may be, has ceased to satisfy the conditions

(44) Regulations 23 and 24 were amended by S.I. 2007/925 (S. 2).

(45) Regulation 25 was amended by S.I. 2006/3406.

(46) Regulations 27, 28 and 29 were amended by S.I. 2007/925 (S. 2).

(47) Regulations 31A to F were inserted by S.I. 2007/925 (S. 2).

<i>I</i>	<i>2</i>
<i>Regulation applied</i>	<i>Modification</i>
Regulation 31E	for registration set out in section 4 of the 1983 Act.”. In paragraph (2) omit sub-paragraph (c). Omit paragraph (4).
Regulation 31F	In paragraph (6) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act,”.
Regulation 32(48)	In paragraph (1) for sub-paragraph (b) substitute: “(b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31D to 31F that a person was not entitled to be registered;”.
Regulation 36(2) and (3)(49)	In paragraph (1) omit sub-paragraph (c). In sub-paragraph (2)(b) omit “except in a case falling within regulation 31C(2)(d) above,”.
Regulation 38	
Regulation 39	
Regulation 40	For paragraph (1) substitute: “(1) Section 9(2)(b) of the 1983 Act (which requires each register of parliamentary or local government electors to contain the qualifying addresses of the persons registered in it) does not apply to an address which is specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act.”.
Regulation 41	Omit paragraphs (2) and (3).
Regulation 42(50)	
Regulation 43(51)	In paragraph (1), omit “and (3)”.
Regulation 45	In paragraph (4), after “regulation 13(6) above” insert “and Schedule 4A to these Regulations”.

(48) Regulation 32 was amended by S.I. 2007/925 (S. 2).

(49) Regulation 36(2) and (3) was amended by S.I. 2002/1872 (S. 7) and S.I. 2007/925 (S. 2).

(50) Regulation 42 was amended by S.I. 2007/925 (S. 2).

(51) Regulations 43 and 45 were amended by S.I. 2002/1872 (S. 7).

Evidence in support of application for anonymous registration in Scotland

13. In regulation 31I(3) (anonymous registration: evidence consisting of relevant court orders or injunctions)(52) after sub-paragraph (g) insert—

“;

- (h) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997;
- (i) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997;
- (j) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997;
- (k) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998.”.

14. In regulation 31J(4) (anonymous registration: evidence by attestation)—

- (a) in sub-paragraph (a) for “the chief officer of police” substitute “a police officer of or above the rank of superintendent”;
- (b) in sub-paragraph (b) for “the chief constable” substitute “a police officer of or above the rank of superintendent”;
- (c) in sub-paragraph (c) for “the Chief Constable” substitute “a police officer of or above the rank of superintendent”; and
- (d) after sub-paragraph (i) insert—

“;

- (j) any director of social services of a Health and Social Services Board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;
- (k) any executive director of social work of a Health and Social Services Trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Supply of full register etc to the Statistics Board

15.—(1) In the heading to regulation 98 (supply of free copy of full register etc to Office for National Statistics and restrictions on use)(53) for “Office for National Statistics” substitute “Statistics Board”.

(2) In regulation 98—

- (a) in paragraph (1) for “Office for National Statistics” substitute “Statistics Board” and for ““the Office”” substitute ““the Board””; and
- (b) in paragraphs (2), (3), (4)(a), (4A) and (6), for “the Office” substitute “the Board”.

(52) Regulations 31G to J were inserted by S.I. 2007/925 (S. 2).

(53) Regulation 98 was inserted by S.I. 2002/1872 (S. 7) and amended by S.I. 2006/834 (S. 9) and S.I. 2007/925 (S.2).

Signed by authority of the Secretary of State

16th March 2009

Michael Wills
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 5 amend the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the 2001 Regulations”) in relation to the registration of peers resident overseas who are entitled to vote at European Parliamentary elections.

Regulation 4 amends Schedule 4 to the 2001 Regulations, which applies with modifications certain provisions of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) and the Representation of the People Act 1985 (c. 50) (“the 1985 Act”) for the purpose of registration of overseas peers for European Parliamentary elections. Regulations 3 and 5 amend regulation 13(6) and insert new Schedule 4A to the 2001 Regulations to apply with modifications certain provisions of the 2001 Regulations for the registration of this category of voter.

The amendments reflect legislative changes made since 2001. In particular, the effect of section 3(4A) of the 1985 Act, as inserted by the Electoral Administration Act 2006 (c. 22), is that an overseas peer who has an anonymous entry in the register of local government electors will not satisfy the conditions of entitlement to vote in European Parliamentary elections. Accordingly, these Regulations modify the application to this category of elector of certain provisions of the 1983 Act, the 1985 Act and the 2001 Regulations to omit references to anonymous entries. Other minor amendments are made to ensure that the legislative framework for the registration of overseas peers is internally consistent.

Regulations 9 to 12 make equivalent amendments to the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497 (S. 2)) (“the 2001 Scotland Regulations”).

Regulations 6 and 7 amend the 2001 Regulations in relation to anonymous registration.

Regulation 31G of the 2001 Regulations, as inserted by regulation 12 of the Representation of the People (England and Wales) (Amendment) (No.2) Regulations 2006 (S.I. 2006/2910), 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 31I (relevant court orders or injunctions) or regulation 31J (attestation made by a qualifying officer that the safety of the applicant, or another person in the applicant’s household, would be at risk if the register contained the applicant’s name or address).

Regulation 6 amends regulation 31I(3) of the 2001 Regulations to include relevant court orders or injunctions made under Northern Ireland legislation. Equivalent amendments are made to the 2001 Scotland Regulations in regulation 13.

Under existing regulation 31J(4)(a) to (c) of the 2001 Regulations, the chief officer of police of any police force in England and Wales, the chief constable of any police force in Scotland, and the Chief Constable of the Police Service of Northern Ireland are qualifying officers who may attest an application for anonymous registration. Regulation 7(a) to (c) amends this provision so that police officers of or above the rank of superintendent of any police force in England and Wales or Scotland, or of the Police Service of Northern Ireland, are qualifying officers. Regulation 14(a) to (c) makes equivalent amendments to the 2001 Scotland Regulations.

Under existing regulation 31J(4)(f) to (h) of the 2001 Regulations, a director of adult social services or children’s services in England is a qualifying officer only in England, and a director of social services in Wales is a qualifying officer only in Wales. The effect of the amendment made in regulation 7(d) is that these office-holders will constitute qualifying officers in both England and Wales. It also includes within the meaning of qualifying officer any chief social work officer in

Scotland, any director of social services of a Northern Ireland Health and Social Services Board, and any executive director of social work of a Northern Ireland Health and Social Services Trust.

Regulation 14(d) inserts new regulation 31J(4)(j) and (k) in the 2001 Scotland Regulations to include within the meaning of qualifying officer any director of social services of a Northern Ireland Health and Social Services Board, and any executive director of social work of a Northern Ireland Health and Social Services Trust.

Regulation 8 makes a minor amendment to regulation 99 of the 2001 Regulations, which provides that a registration officer must supply a free copy of the full register to the Office for National Statistics. The amendment reflects the fact that, by virtue of the Statistics and Registration Service Act 2007 (c. 18), the statistical functions of the Office for National Statistics are now carried out by the Statistics Board. Regulation 15 makes the equivalent amendment to regulation 98 of the 2001 Scotland Regulations.

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.