
STATUTORY INSTRUMENTS

2023 No. 115 (C. 10)

REPRESENTATION OF THE PEOPLE

The Elections Act 2022 (Commencement
No. 7) Regulations 2023

Made - - - - 3rd February 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by section 67(1) of the Elections Act 2022⁽¹⁾.

Citation

1. These Regulations may be cited as the Elections Act 2022 (Commencement No. 7) Regulations 2023.

Provisions coming into force on 6th February 2023

2. The following provisions of the Elections Act 2022 come into force on 6th February 2023—
- (a) in section 5 (handing in postal voting documents), subsection (1) so far as it relates to subsection (5), and subsection (5);
 - (b) in section 14 (extension of franchise for parliamentary elections: British citizens overseas)
 - (i) subsection (1), for the purpose of making regulations under new section 1C(1)(f), new section 1D(4)(a) and (b) or new section 1E(1)(e) that it inserts into the Representation of the People Act 1985⁽²⁾;
 - (ii) subsection (2), so far as it relates to the provisions of Schedule 7 brought into force by paragraph (c) of this regulation;
 - (c) in Schedule 7 (overseas electors)—
 - (i) paragraph 1, so far as it relates to paragraph 4;
 - (ii) paragraph 4;
 - (iii) paragraph 14, for the purposes of making regulations under sub-paragraph (4) of that paragraph;
 - (iv) paragraph 17.

⁽¹⁾ 2022 c. 37.

⁽²⁾ 1985 c. 50. See section 202(1) of the Representation of the People Act 1983 (c. 2), as read with section 27(2) of the Representation of the People Act 1985, for the meaning of “prescribed” in new section 1C(1)(f) and new section 1E(1)(e).

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Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

3rd February 2023

Lee Rowley
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the seventh commencement regulations made under the Elections Act 2022 (c. 37) (“the Act”), and partially bring into force sections 5 and 14 of, and Schedule 7 to, the Act.

Section 5(5) of the Act inserts new paragraphs 12ZA and 12ZB into Schedule 2 to the Representation of the People Act 1983 (c. 2). Paragraph 12ZA allows provision to be made via regulations relating to the return by hand of postal voting documents to a polling station or to a returning officer at a parliamentary election in Great Britain. Paragraph 12ZB allows similar provision to be made in respect of a parliamentary election in Northern Ireland.

Section 14(1) of the Act substitutes new sections 1 to 1E for existing sections 1 and 2 of the Representation of the People Act 1985 (c. 50). New section 1C sets out the requirements for overseas elector’s declarations, and new section 1C(1)(f) confers powers on the Secretary of State to prescribe additional information and requirements related to those declarations. New section 1D makes provision as to the duration of an overseas elector’s entitlement to be registered, and new section 1D(4)(a) and (b) confer powers on the Secretary of State to make provision about the way in which certain determinations which could end that entitlement are made. New section 1E sets out the requirements for renewal declarations, and new section 1E(1)(e) confers powers on the Secretary of State to prescribe additional information and requirements related to those declarations.

Paragraph 4 of Schedule 7 amends Schedule 2 to the Representation of the People Act 1983 to allow provision to be made in regulations regarding the form and contents of renewal declarations, the manner in which renewal declarations are to be transmitted to the registration officer, and the evidence which may be requested by a registration officer and considered sufficient or conclusive as a person satisfying any of the requirements for qualifying as an overseas elector in respect of any constituency.

Paragraph 14 of Schedule 7 makes transitional provision in respect of overseas electors who are registered pursuant to an overseas elector’s declaration made at any time before the date appointed for section 14 of the Act to come into force fully. Paragraph 14(4) confers a power on the Secretary of State to specify a date (“the specified day”) for the purposes of paragraph 14(3), the effect of which is to extend the period of time for which such an overseas elector is entitled to remain registered.

Paragraph 17 of Schedule 7 confers a power on the Secretary of State to make provision supplementing or incidental to the transitional provision set out in paragraphs 13 to 16 of that Schedule.

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. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/44886/documents/1304> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Elections Act 2022 have been brought into force by commencement Regulations made before the date of these Regulations.

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Provision	Date of Commencement	S.I. No.
Section 1 (partially)	27.08.2022	2022/916
Section 1 (partially)	16.01.2023	2022/1401
Section 2 (partially)	27.08.2022	2022/916
Section 2 (partially)	16.01.2023	2022/1401
Section 9 (partially)	24.11.2022	2022/1226
Section 9 (remainder)	29.12.2022	2022/1270
Section 12 (partially)	27.08.2022	2022/916
Section 12 (partially)	24.11.2022	2022/1226
Section 12 (partially)	29.12.2022	2022/1270
Section 12 (partially)	16.01.2023	2022/1401
Section 13	26.10.2022	2022/1093
Sections 16 to 19	19.08.2022	2022/908
Sections 20 to 29	24.11.2022	2022/1226
In Schedule 1—		
paragraph 1 (partially)	27.08.2022	2022/916
paragraph 1 (partially)	16.01.2023	2022/1401
paragraph 2 (partially)	27.08.2022	2022/916
paragraph 2 (remainder)	16.01.2023	2022/1401
paragraph 3 (partially)	27.08.2022	2022/916
paragraphs 3 (remainder) and 4	16.01.2023	2022/1401
paragraph 5 (partially)	27.08.2022	2022/916
paragraph 5 (remainder)	16.01.2023	2022/1401
paragraph 6 (partially)	27.08.2022	2022/916
paragraphs 6 (remainder), 7, 8 and 9 (partially)	16.01.2023	2022/1401
paragraph 10 (partially)	27.08.2022	2022/916
paragraph 10 (partially)	16.01.2023	2022/1401
paragraph 11 (partially)	27.08.2022	2022/916
paragraphs 12 to 14	16.01.2023	2022/1401
paragraph 15 (partially)	27.08.2022	2022/916
paragraphs 15 (partially) and 16	16.01.2023	2022/1401
paragraph 17 (partially)	27.08.2022	2022/916
paragraphs 17 (partially) and 18 to 23	16.01.2023	2022/1401

Provision	Date of Commencement	S.I. No.
paragraph 24 (partially)	27.08.2022	2022/916
paragraphs 24 (remainder), 25 (partially) and 27 to 29	16.01.2023	2022/1401
paragraph 30 (partially)	27.08.2022	2022/916
paragraphs 30 (remainder) and 31	16.01.2023	2022/1401
paragraph 32 (partially)	27.08.2022	2022/916
paragraphs 32 (remainder) and 33 to 40	16.01.2023	2022/1401
In Schedule 2—		
paragraphs 1 to 11 and 14 (partially)	27.08.2022	2022/916
paragraph 14 (remainder)	16.01.2023	2022/1401
In Schedule 6—		
paragraphs 1 (partially) and 6 (partially)	27.08.2022	2022/916
paragraphs 1 (partially) and 6 (partially)	24.11.2022	2022/1226
paragraphs 1 (partially) and 6 (partially)	29.12.2022	2022/1270
paragraphs 1 (partially) and 6 (partially) and 10 and 11	16.01.2023	2022/1401
paragraph 12 (partially)	24.11.2022	2022/1226
paragraph 12 (partially)	29.12.2022	2022/1270
paragraphs 13 (partially), 14 (partially) and 15	16.01.2023	2022/1401
paragraph 16 (partially)	29.12.2022	2022/1270
paragraphs 16 (remainder), 17 and 18	16.01.2023	2022/1401
paragraph 22	29.12.2022	2022/1270
paragraphs 23 (partially) and 26 (partially)	16.01.2023	2022/1401
paragraph 30 (partially)	27.08.2022	2022/916
paragraph 30 (remainder)	16.01.2023	2022/1401
paragraphs 34 (partially) and 35 (partially)	29.12.2022	2022/1270
paragraphs 35 (partially), 40 (partially) and 43	16.01.2023	2022/1401

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Provision	Date of Commencement	S.I. No.
paragraph 46	29.12.2022	2022/1270