

3.—(1) For the purposes of these Regulations, unless the context otherwise requires—

“1962 Act” means the Electoral Law (Northern Ireland) Act 1962⁽¹⁾;

“1983 Act” means the Representation of the People Act 1983⁽²⁾;

“1985 Act” means the Representation of the People Act 1985⁽³⁾;

“2000 Act” means the Representation of the People Act 2000⁽⁴⁾;

“available for inspection” means available for inspection during ordinary office hours;

“British Council employee” means a person employed by the British Council in a post outside the United Kingdom;

“candidate” means—

(a) in relation to a parliamentary election, a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(b) in relation to a local election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

“Crown servant” means a person who is employed in a post falling within the class or description set out in regulation 15 below;

“data” has the same meaning as in section 1(1) of the Data Protection Act 1998⁽⁵⁾;

“elections rules” means the parliamentary elections rules in Schedule 1 to the 1983 Act;

“European Parliamentary overseas elector” means a peer who has made a European Parliamentary overseas elector’s declaration and is registered or is entitled to be registered in pursuance of it;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 13 of, and Schedule 4 to, these Regulations;

“list of overseas electors” means the list prepared under regulation 45 below;

“local elector” and “local election” have the same meaning as in section 130(1) of the 1962 Act;

“overseas elector” means a person who has made an overseas elector’s declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

“register” means the register of electors; and

“registration officer” means the electoral registration officer.

(2) A reference in these Regulations to a form identified by means of a letter shall be construed as a reference to the form so identified in Schedule 3 to these Regulations.

(3) In the application of these Regulations to the registers which are required to be published not later than 15th February 2001 by section 13(1) of the 1983 Act, as enacted, references to the publication of the revised version are to be read as references to the publication of the register.

(4) Any reference in these Regulations to a provision of the 1983 Act which has been applied by section 2(1) of, and Schedule 1 to, the Elected Authorities (Northern Ireland) Act 1989⁽⁶⁾ shall include a reference to that provision as so applied and with any modifications specified in Part II of that Schedule.

(1) 1962 c. 14 (N.I.).

(2) 1983 c. 2.

(3) 1985 c. 50.

(4) 2000 c. 2.

(5) 1998 c. 29.

(6) 1989 c. 3; Schedule 1 has been amended by Schedule 3 to the 2000 Act.

Forms

4.—(1) The registration officer shall supply free of charge as many forms for use in connection with—

- (a) section 10A(1)(a) and (3) of the 1983 Act⁽⁷⁾, and
- (b) applications made under section 6, 7, 8 or 9 of the 1985 Act and Part IV of these Regulations,

as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in Schedule 3 to these Regulations or forms substantially to the like effect may be used with such variations as the circumstances may require.

Communication of applications, notices etc.

5. The requirement in these Regulations that any application, notice or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

Electronic signatures and related certificates

6.—(1) A requirement in these Regulations for an application, notice or objection to be signed is satisfied (as an alternative to the signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
- (b) the certification by any person of such a signature.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Copies of documents

7. Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand-written or by other means) of the whole or any part of it.

(7) Section 10A was substituted by Schedule 1 to the 2000 Act.

Time

8.—(1) Where the day or last day of the time allowed by these Regulations for the doing of anything falls on any of the days mentioned in paragraph (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 57(5) below, in computing any period of not more than 7 days for the purposes of these Regulations any of the days mentioned in paragraph (3) below shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday.

(4) In paragraph (3) above “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(8) in Northern Ireland.

Official poll card at parliamentary elections

9.—(1) For the purpose of rule 28(3) of the elections rules the following forms are hereby prescribed.

(2) The official poll card issued to an elector shall be in Form A.

(3) The official poll card issued to the proxy of an elector shall be in Form B.

Return and declaration of election expenses

10.—(1) For the purpose of section 75(3) of the 1983 Act, the form of the return of election expenses shall be in Form C and the form of the declaration as to election expenses shall be in Form D.

(2) The fee for inspecting a return or declaration (including any accompanying documents) specified in section 89(1) of the 1983 Act (which relate to the return and declarations of election expenses) shall be £5.

(3) The price of a copy of any such return, declaration or document shall be at the rate of 20p for each side of each page.

Interference with notices etc.

11. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

Device referred to in rule 29(3A) (b) of parliamentary elections rules

12.—(1) The device referred to in rule 29(3A)(b) of the elections rules(9) shall be of the description set out in this regulation.

(2) The device must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(3) On the right-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (4) to (7) below.

(4) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the particulars of the candidates on which the vote is to be marked (“the relevant space”).

(8) 1971 c. 80.

(9) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(5) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(6) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(7) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

Registration of European Parliamentary overseas electors

13.—(1) A peer who, apart from the requirement of registration, is entitled by virtue of section 3 of the 1985 Act⁽¹⁰⁾ to vote as an elector at a European Parliamentary election in the electoral region of Northern Ireland is entitled to be registered in a register under section 3 of that Act, prepared and published by the registration officer in accordance with this regulation and the provisions applied by it.

(2) It is the duty of the registration officer appointed under section 8(4) of the 1983 Act to prepare and publish a register under section 3 of the 1985 Act (which under subsection (7) of that section shall so far as practicable be combined with the register of parliamentary and local electors) in respect of any year for which any peer to whom paragraph (1) above applies is entitled to be registered and to take reasonable steps to obtain information required by him for that purpose.

(3) The provisions of the 1983 Act and the 1985 Act which are set out in column 1 of Schedule 4 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in column 2 of that Schedule, and
- (b) paragraph (4) below,

apply for the purposes of the registration of peers who (subject to the requirement of registration) are entitled to vote at a European Parliamentary election as they apply for the purpose of the registration of parliamentary electors.

(4) Unless the context otherwise requires, in the provisions applied by Schedule 4 to these Regulations—

- (a) any reference to an overseas elector's declaration shall be construed as a reference to a European Parliamentary overseas elector's declaration;
- (b) any reference to a constituency shall be construed as a reference to the electoral region of Northern Ireland;
- (c) any reference to a register of parliamentary electors shall be construed as a reference to a register kept under section 3 of the 1985 Act and any reference to the register of local electors shall be disregarded; and
- (d) any reference to a provision which is also applied by Schedule 4 to these Regulations shall be construed as a reference to such a provision as so applied.

(5) The following provisions, namely—

- (a) regulations 3, 5 to 8 and 11 above, and
- (b) regulations 19 to 25, 27 to 32, 36(2), 38 to 43 and 45 below shall 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.

(6) For the purposes set out in paragraph (5) above, those regulations shall, unless the context otherwise requires, have effect as if—

⁽¹⁰⁾ Sections 2 and 3 were substituted by Schedule 2 to the 2000 Act.

- (a) any reference to a parliamentary elector is a reference to a peer entitled to vote at a European Parliamentary election under section 3 of the 1985 Act;
 - (b) any reference to an overseas elector is a reference to a European Parliamentary overseas elector;
 - (c) any reference to an overseas elector's declaration is a reference to a European Parliamentary overseas elector's declaration; and
 - (d) any reference to a provision which is applied by Schedule 4 to these Regulations is a reference to that provision as so applied.
- (7) A register under section 3 of the 1985 Act may be published by means of a notice making additions to the registers of parliamentary electors and of local electors with which it must be combined.

Amendment of rule 37(1E) of the parliamentary elections rules

- 14.**—(1) Rule 37(1E) (a) of the elections rules⁽¹¹⁾ shall continue to be amended by the substitution of the words “Articles 8 and 12” for the words “Article 12”.
- (2) For rule 37(1E) (f) of those rules⁽¹²⁾ substitute:
- “(f) a British seaman's card issued in accordance with regulations made, or having effect as if made, under section 79 of the Merchant Shipping Act 1995⁽¹³⁾”.
- (3) For rule 37(1E) (g) of those rules⁽¹⁴⁾ substitute:
- “(g) a card made of plastic on which the name and national insurance number of the person to whom it is issued have been embossed and which has been issued by the Department for Social Development, the Department of Health and Social Security or the Department of Social Security”.

PART II

SERVICE AND OVERSEAS ELECTORS' DECLARATIONS

Service declarations

Qualification for Crown servant

15. A person (not being a member of the forces within the meaning of section 59(1) of the 1983 Act) who is employed in the service of the Crown in a post outside the United Kingdom falls within the class or description referred to in section 14(1)(b) of the 1983 Act if he is required to devote his whole working time to the duties of that post and the remuneration of it is paid wholly out of money provided by Parliament.

Contents of service declaration

- 16.**—(1) In addition to the matters specified in paragraphs (a) to (f) of section 16 of the 1983 Act⁽¹⁵⁾, a service declaration shall state—
- (a) the declarant's full name and present address,

⁽¹¹⁾ Rule 37(1E) was inserted by section 1(2) of the Elections (Northern Ireland) Act 1985 (c. 2).

⁽¹²⁾ Rule 37(1E)(f) was inserted by S.I. 1986/1091.

⁽¹³⁾ 1995 c. 21.

⁽¹⁴⁾ Rule 37(1E)(g) was inserted by S.I. 1991/1674.

⁽¹⁵⁾ Section 16 was amended by Schedule 1 to the 2000 Act.

- (b) the grounds on which the declarant claims a service declaration, and
- (c) such of the particulars specified in paragraph (2), (3) or (4) below as are relevant to the service qualification claimed by the declarant.

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse of such a member, the service declaration shall state—

- (a) the service (whether naval, military or air forces) in which that member serves,
- (b) the rank or rating of that member, and
- (c) the service number of that member;

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

(3) Where the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 15 above applies or the spouse of such a servant, the service declaration shall state—

- (a) the name of the Government department in which that servant works, and
- (b) a description of the post of that servant.

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse of such an employee, the service declaration shall state a description of the post of that employee.

Transmission of service declaration

17.—(1) A service declaration made by a person who is or will be a Crown servant or by his spouse shall be transmitted by the declarant to the Government department under which that person or his spouse is or will be employed or to an officer designated by that department and transmitted by that department or officer to the registration officer.

(2) A service declaration made by a person who is or will be a British Council employee or by his spouse shall be transmitted by the declarant to the British Council and transmitted by the British Council to the registration officer.

Notification by registration officer in respect of service declarations

18.—(1) Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of a service declaration because it—

- (a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the 1983 Act and regulation 16 above, or
- (b) does not comply with the requirements of sections 14 and 15 of the 1983 Act⁽¹⁶⁾ or, where appropriate, regulation 15 or 17 above,

he shall return the declaration to the declarant setting out his reasons for so doing.

⁽¹⁶⁾ Sections 14 and 15 were amended by Schedule 1 to the 2000 Act.

Overseas electors' declarations

Contents of overseas elector's declaration

19.—(1) In addition to the information required by paragraphs (a) to (d) of subsection (3) and subsection (4) of section 2 of the 1985 Act⁽¹⁷⁾, an overseas elector's declaration shall state the declarant's full name and present address and, where appropriate, the information required by paragraphs (2) to (7) below.

(2) If the declarant—

- (a) was last registered in pursuance of a service or other declaration, rather than actual residence at the address specified in pursuance of section 2(4)(b) of the 1985 Act, and
- (b) no longer had connection with that address at the time at which he was so registered,

the declaration shall include a statement that the declarant was so registered.

(3) If the declarant claims that his name has changed since he was last registered in respect of the address specified in the overseas elector's declaration in accordance with section 2(4)(b) of the 1985 Act, that declaration shall—

- (a) set out the name in respect of which the declarant was last previously registered, and
- (b) give the reason for the change of name.

(4) Where a declarant—

- (a) has on a previous occasion been registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, and
- (b) has not, since being so registered, been registered in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom,

his overseas elector's declaration shall state those facts and indicate when he was last registered in pursuance of an overseas elector's declaration.

For the purposes of the application of this paragraph by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "a register of local electors" were substituted for the words "such a register".

(5) Where a declarant has not made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors since being included in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom, or has never made such a declaration, his overseas elector's declaration shall state—

- (a) in the case of a declarant who is the bearer of a British passport which describes his national status as "British citizen", the number of that passport together with its date and place of issue; or
- (b) in the case of a declarant who is not the bearer of such a passport, but who was born in the United Kingdom before 1st January 1983, those facts; or
- (c) in the case of a declarant who is not the bearer of such a passport and who was not born in the United Kingdom before 1st January 1983, when and how he acquired the status of British citizen, together with the date, place and country of his birth.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "a register of local electors" were substituted for the words "such a register".

(17) Section 2 was substituted by Schedule 2 to the 2000 Act.

(6) Where, in the case of a declarant to whom regulation 20 below applies (and who is accordingly required to transmit a copy of his birth certificate together with his declaration), his name on his birth certificate is not the same as his name as given in his overseas elector's declaration, that declaration shall state the reason for the change of name.

(7) Where, in the case of a declarant to whom regulation 20 below applies, he relies on the registration of either—

- (a) a parent whose name in the register referred to in section 1(4)(c) of the 1985 Act⁽¹⁸⁾ is not the same as the name of that parent as given in either the declarant's birth certificate or overseas elector's declaration in accordance with section 2(4)(c)(iii) of the 1985 Act, or
- (b) a guardian whose name in the register referred to in section 1(4)(c) of the 1985 Act is not the same as the name of that guardian as given in the declarant's overseas elector's declaration in accordance with section 2(4)(c)(iii) of the 1985 Act,

that declaration shall state the name of the parent or, as the case may be, guardian as given in the register referred to in section 1(4)(c) and, where known, the reason for the change or, as the case may be, changes of name or, where such reason (or reasons) is not known, a statement to that effect.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4)(c)" were substituted for the words "section 1(4)(c)", in each place where those words occur.

Certain declarants to supply copy of birth certificates

20.—(1) This regulation applies to a person who has made an overseas elector's declaration in which he claims to be qualified as an overseas elector by virtue of the conditions set out in section 1(4) of the 1985 Act, and who has not on a previous occasion made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4)" were substituted for the words "section 1(4)".

(2) Where this regulation applies, a declarant shall transmit together with his overseas elector's declaration a copy of his birth certificate which shows the names of either or both of his parents as well as his date of birth.

Attestation of certain overseas electors' declarations

21.—(1) An overseas elector's declaration shall be attested in accordance with the following paragraphs of this regulation except where the declarant has on a previous occasion made such a declaration in pursuance of which he was registered in a register of parliamentary electors and, since being so registered, he has not been included in any register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom.

For the purposes of the application of this regulation by regulation 13(5) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the word "local" were substituted for the word "parliamentary" in the second place where it occurs.

(2) An overseas elector's declaration shall be attested by the bearer of a British passport which described his national status as a "British citizen" who—

- (a) is not resident in the United Kingdom;
- (b) is aged 18 years or over, and

⁽¹⁸⁾ Sections 1 to 3 of the 1985 Act were substituted by Schedule 2 to the 2000 Act.

(c) is not the husband, wife, parent, grandparent, brother, sister, child or grandchild of the declarant.

(3) A person shall not attest an overseas elector's declaration unless he is satisfied, to the best of his knowledge and belief, that the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration.

(4) A person attesting an overseas elector's declaration shall record on it—

- (a) his full name and address;
- (b) that he is the bearer of a British passport which describes his national status as "British citizen" and the number of that passport together with its date and place of issue;
- (c) that he is aged 18 years or over;
- (d) that he is not resident in the United Kingdom on the date of the declaration;
- (e) that he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild of the declarant; and
- (f) that, to the best of his knowledge and belief, the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration;

and he shall sign the declaration.

Notification about registration as overseas elector

22.—(1) Where the registration officer is satisfied that the declarant qualifies as an overseas elector under the provisions of sections 1 and 2 of the 1985 Act, he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector's declaration because—

- (a) in his opinion the declarant does not qualify as an overseas elector under section 1 of the 1985 Act, or
- (b) the declaration does not satisfy the requirements of section 2 of the 1985 Act or regulation 19 or 21 above, or
- (c) in the case of a person to whom regulation 20 above applies, the requirement in that regulation has not been complied with,

he shall return the declaration to the declarant and set out his reasons for rejecting the application for registration.

(3) For the purposes of the application of this regulation by regulation 13(5) above, paragraphs (1) and (2) above shall have effect as if, in addition to the modifications made by that regulation—

- (a) in paragraph (1), for the words "sections 1 and 2" there were substituted the words "sections 2 and 3", and
- (b) in paragraph (2), for the words "section 1" there were substituted the words "section 3".

PART III

REGISTRATION

Information about electors

Power to require information

23.—(1) The registration officer may require any person to give information required for the purposes of that officer's duties in maintaining registers of parliamentary and local electors.

(2) If any person—

- (a) fails to comply with, or
- (b) gives false information in pursuance of,

any such requisition of the registration officer as is mentioned in this regulation, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Evidence as to age and nationality

24.—(1) Where the registration officer has doubts about a person's age or nationality, he may require that person to produce such evidence as is specified in paragraph (2) below for the purposes of registration.

(2) The evidence which the registration officer may require is as follows—

- (a) a birth certificate or a statutory declaration as to the person's date of birth;
- (b) a certificate of naturalisation;
- (c) where a person has made an overseas elector's declaration, further evidence of his status as a British citizen including a document showing that he has become a British citizen by virtue of registration;
- (d) in any other case—
 - (i) a document showing that he has become a Commonwealth citizen by virtue of registration; or
 - (ii) a statutory declaration that he is a qualifying Commonwealth citizen or citizen of the Republic of Ireland or a relevant citizen of the Union.

(3) If any fee is payable in connection with the making of a declaration for the purposes of this regulation, the registration officer shall pay that fee and it shall be treated as part of his registration expenses within the meaning of section 54(1) of the 1983 Act⁽¹⁹⁾.

(4) Any such declaration shall be made available for inspection at the registration officer's office until the determination of the application for registration and of any objections duly made to it.

(5) This regulation does not apply where an application for registration is made in pursuance of a service declaration.

(6) In this regulation "qualifying Commonwealth citizen" has the same meaning as in section 4 of the 1983 Act⁽²⁰⁾.

Reminders to electors registered pursuant to a declaration

25.—(1) This regulation applies in respect of a person registered in pursuance of—

⁽¹⁹⁾ Section 54 was amended by Schedule 4 to the 1985 Act.

⁽²⁰⁾ Section 4 was substituted by section 1(2) of the 2000 Act.

- (a) a service declaration;
- (b) a declaration of local connection; and
- (c) an overseas elector's declaration.

(2) Subject to paragraph (4) below, the registration officer shall, during the relevant period, send to a person to whom this regulation applies a reminder of the need to make a fresh declaration if he wishes to remain registered as an elector in pursuance of such a declaration.

(3) In paragraph (2) above "the relevant period" means the period beginning nine months after the date when the existing entry in a register of the person in question first takes effect and ending ten months after that date.

(4) Paragraph (2) above does not apply in respect of a person to whom this regulation applies where—

- (a) the registration officer has already received from that person a fresh declaration, or
- (b) information which the registration officer has received indicates that that person is no longer entitled to make the relevant declaration.

Applications for registration

26.—(1) An application for registration as a parliamentary or local elector (or both) under section 10A(1)(a) or 13A(1)(a) of the 1983 Act⁽²¹⁾ shall state—

- (a) the applicant's full name;
- (b) the address in respect of which the applicant applies to be registered and at which he is resident on the date of the application;
- (c) any address in respect of which the applicant is currently registered as an elector, if he has ceased to reside at that address;
- (d) in the case of an applicant who has not attained the age of 18 years, his date of birth;
- (e) in the case of an applicant who is a merchant seaman within the meaning of section 6 of the 1983 Act, that fact.

(2) In the case of a person applying to be registered as a parliamentary or local elector (or both) in pursuance of a service declaration, a declaration of local connection or an overseas elector's application, the declaration in question shall accompany the application.

(3) An application under this regulation shall include a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) above are true;
- (b) subject to paragraph (5) below, in the case of an application by a relevant citizen of the Union for registration as a local elector, he is such a citizen; and
- (c) in any other case, but subject to paragraph (5) below, he is a Commonwealth citizen or citizen of the Republic of Ireland.

(4) An application for registration shall be made in writing to the registration officer and be signed and dated by the applicant.

(5) Paragraph (3)(b) and (c) above does not apply to persons applying to be registered in pursuance of a service declaration or an overseas elector's declaration.

Objections to registration

27.—(1) Any objection to a person's registration shall state—

- (a) the name of the person against whom the objection is made;

(21) Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

- (b) the address of that person as given in the application for registration;
 - (c) the grounds of the objection;
 - (d) the name of the objector and his address as shown in the register (if so shown) together with the address to which correspondence should be sent if that address is different or if no address is shown in the register; and
 - (e) the electoral number of the objector.
- (2) An objection shall be made in writing and be signed and dated by the person objecting.
- (3) In this Part of these Regulations “objection” includes representations made against an application for registration under section 13A(1)(a) of the 1983 Act.

Inspection of applications and objections

28. An application for registration and any objection to a person’s registration shall be made available for inspection at the registration officer’s office until the application or objection has been determined by the registration officer.

Determination of applications and objections

Procedure for determining applications for registration and objections without a hearing

29.—(1) The registration officer shall discharge his functions of determining an application for registration under section 10A(1) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act in accordance with this regulation and regulations 30 and 31 below.

(2) The registration officer shall keep separate lists of applications for registration and objections and shall—

- (a) on receipt of an application, forthwith enter in the list of applications the name of the applicant and the address claimed as his qualifying address,
- (b) on receipt of an objection, forthwith enter in the list of objections the name and qualifying address of the objector together with the particulars referred to in sub-paragraph (a) above, and
- (c) also forthwith enter particulars of the objection in the list of applications.

In this paragraph “qualifying address” includes the address specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(**22**).

(3) The registration officer may ask for further information and take no further action until such information is supplied, if he is of opinion that the particulars given in the application or objection are insufficient.

(4) The registration officer may allow an application without a hearing provided that no objection is made within five days of the entry of the application in the list of applications.

(5) The registration officer may disallow an objection if he is of opinion that the objector is not entitled to object or the objection was made after the period referred to in paragraph (4) above has expired; and he shall so inform the objector.

(6) The registration officer may send to the applicant or objector a notice stating his opinion that an application or objection cannot be allowed because—

- (a) the matter has been concluded by the decision of a court, or

(22) Section 2 was substituted by Schedule 2 to the 2000 Act.

- (b) the particulars given in the application or objection do not entitle the applicant or objector to succeed.

(7) In cases to which paragraph (6) applies, the registration officer shall state the grounds for his opinion and that he intends to disallow the application or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the application or objection to be heard; and if he receives no such notice within that time, he may disallow the application or objection.

Notice of hearing

30.—(1) The registration officer shall, unless he allows or disallows the application or objection under regulation 29 above, send a notice—

- (a) in the case of an application, to the person making the application, and
- (b) in the case of an objection, to the objector and the person objected to, stating—
 - (i) the time and place at which he proposes to hear the application or objection;
 - (ii) the name and address of the objector and the grounds of the objection (in the case of a notice sent to a person objected to).

(2) The time fixed for the hearing of an application or objection shall not be earlier than the third day or later than the seventh day after the date of the notice referred to in paragraph (1) above.

Hearing of applications and objections

31.—(1) The persons entitled to appear and be heard are as follows—

- (a) on an application, the applicant;
- (b) on an objection, the objector and the person objected to;
- (c) on an application or an objection, any other person who appears to the registration officer to be interested.

(2) The right to appear and be heard includes the right to make written representations.

(3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.

(4) The registration officer may, at the request of any person entitled to appear and be heard or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer the oath for the purpose.

Registration appeals

32.—(1) This regulation makes provision in connection with the right to appeal from the decision of the registration officer regarding an application for registration under section 56(1)(a) of the 1983 Act⁽²³⁾.

(2) A person desiring to appeal must—

- (a) give notice of appeal to the registration officer and to the opposite party (if any) when the decision is given, or within 14 days thereafter, and
- (b) specify the grounds of appeal.

(3) The registration officer shall forward any such notice to the appropriate county court in accordance with rules of court together, in each case, with—

⁽²³⁾ Section 56(1)(a) was applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3) and amended by Schedule 1 to the 2000 Act.

- (a) a statement of the material facts which in his opinion have been established in the case, and
- (b) his decision upon the whole case and on any point which may be specified as a ground of appeal.

(4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the appropriate county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Circumstances when the power in section 10A(5)(b) of the 1983 Act applies

33.—(1) Paragraphs (2) and (3) below prescribe the circumstances when section 10A(5)(b) of the 1983 Act⁽²⁴⁾ applies.

(2) Where the registration officer—

- (a) has received an application under regulation 26 above which includes a statement to which paragraph (1)(c) of that regulation refers;
- (b) has received a notice under regulation 37 below;
- (c) has been given information by the elector that he has ceased to reside at the address in question or to satisfy the conditions for registration in section 4 of the 1983 Act⁽²⁵⁾;
- (d) has obtained evidence in pursuance of regulation 35 below which shows that the elector has ceased to reside at the address in question or to satisfy the conditions for registration in section 4 of the 1983 Act; or
- (e) has been notified by a relative or executor of the elector or by the registrar of births and deaths that the elector has died.

(3) Where—

- (a) the registration officer has required any person duly entered in a register in respect of an address to give him information, or to make a declaration under regulation 24 above, for the purpose of enabling the officer to determine whether—
 - (i) that person remains resident at that address, or
 - (ii) otherwise satisfies the conditions for registration set out in section 4 of the 1983 Act, and
- (b) the person has not within the period of one month from the date of the requisition complied with it in a manner which the officer considers satisfactory (or at all).

(4) Nothing in this regulation applies to a person registered in pursuance of—

- (a) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act⁽²⁶⁾; or
- (b) a declaration of local connection, a service declaration or an overseas elector's declaration.

(5) In this regulation—

“elector” means a person who is duly entered in a register in respect of an address; and

“relative” means a husband, wife, parent, grandparent, brother, sister, child or grandchild.

Retaining entries in register

34.—(1) This regulation sets out the circumstances when a registration officer's duty to remove a person's entry from the register of parliamentary or local electors under section 10A(6) of the 1983 Act⁽²⁷⁾ does not apply.

⁽²⁴⁾ Section 10A was substituted by Schedule 1 to the 2000 Act.

⁽²⁵⁾ Section 4 was substituted by section 1(2) of the 2000 Act.

⁽²⁶⁾ Sections 7 and 7A were substituted by sections 4 and 5 of the 2000 Act.

⁽²⁷⁾ Section 10A was inserted by Schedule 1 to the 2000 Act.

(2) Those circumstances are that—

- (a) on the conclusion of a canvass under section 10 of the 1983 Act⁽²⁸⁾ the registration officer is unable to satisfy himself that a person duly entered in a register in respect of any address was, on the 15th October in question, resident at that address because—
 - (i) the form mentioned in section 10(4) of that Act was not returned in respect of that address, or
 - (ii) for any other reason, insufficient information was obtained as to whether that person was resident at that address on that date;
- (b) the registration officer has no information which suggests that that person is no longer so resident; and
- (c) that person was registered at that address otherwise than in the circumstances set out in regulation 33(4) above.

(3) Where the circumstances set out in this regulation apply, the registration officer is authorised to retain the entry of the person concerned in such a register for the period expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act⁽²⁹⁾ in the year next following that in which the canvass referred to in paragraph (2)(a) above was conducted.

Registration officer's right to inspect certain records

35.—(1) The registration officer is authorised to inspect, for the purpose of his registration duties, records kept (in whatever form) by—

- (a) an authority listed in paragraph (2) below, or
- (b) any person providing services to, or authorised to exercise any function of, any such authority.

(2) Those authorities are—

- (a) a district council;
- (b) the Northern Ireland Housing Executive;
- (c) the Registrar of Births, Marriages and Deaths;
- (d) the Valuation and Lands Agency; and
- (e) the Rate Collection Agency.

(3) The registration officer is authorised to make copies of information contained in such records.

Notices in connection with registration

36.—(1) A notice under section 13(3) of the 1983 Act⁽³⁰⁾ must be published—

- (a) not less than 14 days before the publication of the revised version of the register to which it relates;
- (b) in a newspaper circulating in the area in which the registration officer acts, and
- (c) by posting a copy of it at his office and in some conspicuous place or places in that area.

(2) A notice under section 13A(2) or 13B(3) of that Act must be issued by—

- (a) posting a copy of it at the registration officer's office or in some conspicuous place or places in the area for which he acts, and

⁽²⁸⁾ Section 10 was substituted by Schedule 1 to the 2000 Act.

⁽²⁹⁾ Section 13 was substituted by Schedule 1 to the 2000 Act.

⁽³⁰⁾ Sections 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

- (b) except in a case falling within regulation 33(2)(e) above, sending a copy of it to any person affected by its contents.

Notice by registration officer of a change of address

37.—(1) This regulation applies where the registration officer receives an application for registration which includes a statement given in accordance with regulation 26(1)(c) above.

(2) Where the address given in the statement received by the Northern Ireland registration officer is in an area for which another registration officer (“the former registration officer”) acts, the Northern Ireland registration officer shall as soon as practicable notify the former registration officer that the applicant no longer resides in his area.

The register

Separate part of register for each parliamentary polling district

38. The register shall be framed in separate parts for each parliamentary polling district.

Different letter for each parliamentary polling district

39. There shall be a different letter or letters in the register for each parliamentary polling district and such letter or letters shall be deemed to form part of an elector’s number in the register.

Qualifying addresses which are not included in the register

40.—(1) Section 9(2)(b) of the 1983 Act(**31**) (which requires each register of parliamentary or local electors to contain the qualifying addresses of the persons registered in it) does not apply—

- (a) to an address to which paragraph (2) or (3) below applies, or
- (b) which is specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(**32**).

(2) This paragraph applies to an address where it appears to the registration officer that—

- (a) a service voter in his service declaration, or
- (b) a person who has made a declaration of local connection,

has given that address in such a declaration as an address—

- (i) at which he has resided, but
- (ii) which is not an address at which he is or would be residing but for the circumstances entitling him to make such a declaration.

(3) This paragraph applies to an address given in a declaration of local connection in accordance with section 7B(4)(b) of the 1983 Act(**33**).

Order of names

41.—(1) Subject to paragraphs (2) and (3) below, the names and addresses of each separate part of the register shall be arranged in street order.

(31) Section 9 was substituted by Schedule 1 to the 2000 Act.

(32) Section 2 was substituted by Schedule 2 to the 2000 Act.

(33) Section 7B was inserted by section 6 of the 2000 Act.

(2) If the registration officer determines for any part of the register that street order is not reasonably practicable, the names and addresses shall be arranged in alphabetical order or partly in street order and partly in alphabetical order.

(3) The name of any person whose qualifying address is not contained in a register by virtue of regulation 40 above shall be grouped together in alphabetical order—

- (a) at the end of that part of the register to which the address relates;
- (b) beneath the heading “Other electors”, and
- (c) without giving that address.

Marking of names

42.—(1) Paragraphs (3) to (7) below specify the marks to appear against a person’s name in the register to indicate that he is registered in one or more of the four registers (those of: parliamentary electors; local electors; relevant citizens of the Union registered as European Parliamentary electors, and peers overseas registered as European Parliamentary overseas electors) which are required to be combined.

(2) Where no mark appears against a person’s name in the register of electors, this indicates that he is registered in the registers of parliamentary and local electors.

(3) To indicate that a relevant citizen of the Union is registered only in the register of local electors, the letter “G” shall be placed against his name.

(4) To indicate that such a citizen is registered in both that register and the register of such citizens registered as European Parliamentary electors, the letter “K” shall be placed against his name.

(5) To indicate that any other person is registered only in the register of local electors, the letter “L” shall be placed against his name.

(6) To indicate that an overseas elector is registered only in the register of parliamentary electors, the letter “F” shall be placed against his name.

(7) To indicate that a European Parliamentary overseas elector is registered only in the register of such electors, the letter “E” shall be placed against his name.

Publication of register

43.—(1) The manner in which each revised version of the register is published under section 13(1) or (3) of the 1983 Act⁽³⁴⁾ shall be by the registration officer making—

- (a) a copy of it available at his office, and
- (b) copies of the part of the register relating to each parliamentary polling district available for inspection at a place to which the public have access, in or near that district.

(2) The revised version of the register shall be kept published until the coming into force of the next revised version of it.

Information about register

44.—(1) As soon as practicable after the publication of a revised version of the register under section 13(1) of the 1983 Act, the registration officer shall supply to the Secretary of State a document setting out the information about electors which is required by paragraphs (2) and (3) below.

(2) The document referred to in paragraph (1) above shall state the name of the constituency and shall list the following total numbers of electors in that constituency or part thereof, namely—

⁽³⁴⁾ Section 13 was substituted by Schedule 1 to the 2000 Act.

- (a) parliamentary electors (including those referred to in sub-paragraph (c) below);
- (b) local electors (including those referred to in sub-paragraph (c) below); and
- (c) those registered in pursuance of section 4(5) of the 1983 Act⁽³⁵⁾.

(3) The document referred to in paragraph (1) above shall set out separately as respects those electors referred to in sub-paragraphs (a) and (c) of paragraph (2) above the following totals, namely—

- (a) those registered by virtue of residence at a qualifying address;
- (b) those registered in pursuance of a service declaration;
- (c) those registered in pursuance of an overseas elector's declaration; and
- (d) those registered in pursuance of a declaration of local connection.

Preparation and publication of list of overseas electors

45.—(1) The registration officer shall prepare a list of the names of each person who appears to him to be entitled to be registered in pursuance of an overseas elector's declaration ("the list of overseas electors"); and shall include in that list the address specified in that declaration in accordance with section 2(4) of the 1985 Act and regulation 19(1) above.

(2) In respect of each constituency there shall be a separate part of the list of overseas electors; and the names of the persons included in each part shall be listed in alphabetical order.

(3) At the time when the registration officer publishes a revised version of the register under section 13(1) of the 1983 Act, he shall publish the list of overseas electors by making a copy of it available for inspection at his office; and the list shall be kept so published until the next revised version of the register is published under section 13(1) of the 1983 Act.

(4) The name of a person appearing to the registration officer to be entitled to be registered in pursuance of a European Parliamentary overseas elector's declaration (and included in the list of overseas electors by virtue of regulation 13(5) above) shall be marked with the letter "E".

Supply of free copies of register and list of overseas electors otherwise than on request

46.—(1) The registration officer shall supply, free of charge and on publication, one copy of—

- (a) the revised version of the register under section 13(1) and (3) of the 1983 Act⁽³⁶⁾;
- (b) any notice under sections 13A(2) and 13B(3) of that Act; and
- (c) the list of overseas electors under regulation 45 above,

to the British Library, the Secretary of State and the Electoral Commission.

(2) In paragraph (1) above the duty to supply one copy of the register and, where relevant, of the list of overseas electors, means—

- (a) in the case of the British Library, a duty to supply a printed copy of each; and
- (b) in any other case, a duty to supply a copy of each in data form unless, prior to publication, the recipient has requested in writing a copy in printed form.

Supply of free copies of register and list of overseas electors on request

47.—(1) Any supply of a register or a list of overseas electors under this regulation shall be—

- (a) free of charge, and

⁽³⁵⁾ Section 4 was substituted by section 1(2) of the 2000 Act.

⁽³⁶⁾ Sections 13 to 13B were substituted by Schedule 1 to the 2000 Act.

(b) on request.

(2) Unless the request is for the supply of a printed version of the register or list of overseas electors, the copy shall be supplied in data form.

(3) The registration officer shall supply to the Member of Parliament for a constituency one copy of so much of the register as relates to that constituency and one copy of so much of the list of overseas electors as so relates.

(4) The registration officer shall supply to each Member of the European Parliament for the electoral region in Northern Ireland one copy of the register and one copy of the list of overseas electors.

(5) The registration officer shall supply one copy of so much of the register as relates to a district electoral area to—

(a) every councillor for that area, and

(b) every candidate at a local election for that area or his election agent.

(6) The registration officer shall supply to a registered political party one copy of the register.

(7) The registration officer shall supply one copy of so much of the register as relates to a particular constituency and one copy of so much of the list of overseas electors as so relates to—

(a) any person nominated for the purpose by the nominating officer of a registered political party; and

(b) each candidate at a parliamentary election for that constituency or his election agent.

(8) Not more than one person for the same constituency may be nominated under paragraph (7) (a) above in respect of the same registered political party.

Sale of register and list of overseas electors

48.—(1) Subject to paragraph (4) below, the registration officer shall supply a copy or copies of the register or of the list of overseas electors to any person on payment of a fee calculated in accordance with paragraph (2) or (3) below.

(2) In the case of the register—

(a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

(3) In the case of the list of overseas electors—

(a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 100 entries (or remaining part of 100 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 100 entries (or remaining part of 100 entries) in it.

(4) The registration officer shall not supply a printed copy of the register under this regulation if to do so would result in his having insufficient copies of it for the purposes of any requirement made by or under any enactment.

Supply of register and list of overseas electors in data form

49.—(1) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act⁽³⁷⁾, any duty on the registration officer to supply data under regulations 46 to 48 above imposes only a duty to supply such data recorded in the form in which he holds it.

(2) The registration officer shall not supply data which includes information not included in the printed version of the register.

PART IV

ABSENT VOTERS

Interpretation of Part IV

50. In this Schedule—

“allotted polling station” has the meaning set out in regulation 53(7); and

“related” has the meaning set out in regulation 54(5).

General requirements for applications for an absent vote

51.—(1) An application under section 6, 7, 8 or 9 of the 1985 Act⁽³⁸⁾ must comply with the requirements of this regulation and such further requirements in this Part of these Regulations as are relevant to the application.

(2) The application must state—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under section 9 of the 1985 Act;
- (c) in the case of such an application, the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of subparagraph (b) above; and
- (d) in the case of an application under section 6(1), 7(1) or 9(4) or (7) of the 1985 Act, the grounds on which the elector claims to be entitled to an absent vote.

(3) The application shall be made in writing and be signed and dated by the applicant.

(4) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of regulation 52 below.

Additional requirements for applications for the appointment of a proxy

52. An application for the appointment of a proxy under section 8(6) or (7) of the 1985 Act shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or

⁽³⁷⁾ The exercise of the powers in section 52(1) is made subject to section 7(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 52(1A), as inserted by Schedule 21 to that Act, is relevant to those powers.

⁽³⁸⁾ Sections 6, 7, 8 and 9 were amended by Schedule 6 to the 2000 Act.

- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

Additional requirements for applications on grounds of physical incapacity or blindness

53.—(1) An application under section 6(2)(b) of the 1985 Act shall specify the physical incapacity by reason of which it is made.

(2) Subject to paragraph (3) below, such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997⁽³⁹⁾;
- (c) a Christian Science practitioner;
- (d) the person registered under the Registered Homes (Northern Ireland) Order 1992⁽⁴⁰⁾ as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he is resident in such a home;
- (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁴¹⁾, where the applicant states that he is resident in such accommodation; or
- (f) the warden of premises forming one of a group of premises provided for persons of pensionable age or physically disabled persons for which there is a resident warden, where the applicant states that he resides in such premises.

(3) A person who qualifies by virtue of sub-paragraph (a), (b) or (c) of paragraph (2) above, may not attest an application for this purpose unless he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity.

(4) The person attesting the application shall state—

- (a) his name and address and the qualification by virtue of which he attests the application, and where the person who attests the application is a person referred to in paragraph (3) above, that he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity;
- (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity; and
- (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.

(5) Paragraphs (2) to (4) above shall not apply where—

- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by a Health and Social Services Board which is specified in the application; or
- (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁴²⁾) because of the physical incapacity specified in the application.

⁽³⁹⁾ 1997 c. 24.

⁽⁴⁰⁾ S.I. 1992/3204 (N.I. 20); the definition of "nursing home" has been amended by Schedule 9 to S.I. 1995/755 (N.I.2).

⁽⁴¹⁾ S.I. 1972/1265 (N.I.14).

⁽⁴²⁾ 1992 c. 7.

(6) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in section 6(2)(b) of the 1985 Act.

(7) In this regulation and in regulations 54 and 55 below, “his allotted polling station”, in relation to an elector means the polling station allotted or likely to be allotted to him under the elections rules.

Additional requirements for applications based on occupation, service, employment or attendance on a course

54.—(1) An application under section 6(2)(c) of the 1985 Act~~(43)~~ shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or, as the case may be, it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made;
- (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
- (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
- (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.

(2) Such an application shall be attested and signed—

- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
- (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.

(3) The person attesting an application made under paragraph (2) above shall—

- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by sub-paragraphs (a) to (d) of paragraph (1) above to be included in the application are true; or
- (b) where the applicant is the spouse of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (c) of paragraph (1) above are true.

(4) The person attesting an application under paragraph (2) above shall also state—

- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
- (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or

~~(43)~~ Section 6(2)(c) was amended by Schedule 6 to the 2000 Act.

- (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.

(5) For the purposes of this regulation and regulation 55 below, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

Additional requirements for applications in respect of a particular election

55.—(1) An application under section 7(1) of the 1985 Act shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which paragraph (4), (6) or (8) below applies, such an application shall be signed and attested by a person who—

- (a) is aged 18 years or over,
- (b) resides in the United Kingdom,
- (c) knows the applicant but is not related to him, and
- (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.

(3) The person attesting an application under paragraph (2) above shall state—

- (a) his full name and address,
- (b) that he is aged 18 years or over,
- (c) that he resides in the United Kingdom,
- (d) that he knows the applicant but is not related to him, and
- (e) that he has not attested under paragraph (2) above any other application in respect of the election for which the application he attests is made;

and shall certify that, to the best of his knowledge and belief, the statement included in the application in accordance with paragraph (1) above is true.

(4) This paragraph applies in respect of an application under section 7(1) of the 1985 Act in which the grounds set out in accordance with paragraph (1) above are that the applicant will be or is likely to be physically ill on the date of the poll, and which—

- (a) specifies that illness, and
- (b) is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 53(2) above.

(5) The person attesting an application under paragraph (4) above shall state—

- (a) his name and address;
- (b) the qualification by virtue of which he is authorised to attest it;
- (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (1) above, and
- (d) that, to the best of his knowledge and belief—
 - (i) the applicant is suffering from the physical illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll, and
 - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.

(6) This paragraph applies in respect of an application under section 7(1) of the 1985 Act—

- (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with regulation 57(5) below) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. on the sixth day (so calculated) before the date of that poll;
 - (b) in which the circumstances set out in accordance with paragraph (1) above relate to the applicant’s health;
 - (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll, and
 - (d) which is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 53(2) above.
- (7) The person attesting an application under paragraph (6) above shall state—
- (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (1) above, and
 - (d) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with paragraph (6)(c) above is correct.
- (8) This paragraph applies in respect of an application under section 7(1) of the 1985 Act—
- (a) which is received by the registration officer during the period specified in paragraph (6) (a) above;
 - (b) in which the circumstances set out in accordance with paragraph (1) above relate to the applicant’s employment either as a constable or by the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary election the poll for which is held on the same day;
 - (c) which states the employment in question, and
 - (d) in the case of a constable, which is signed by a member of the Royal Ulster Constabulary of or above the rank of chief inspector.

Additional requirements for applications by proxies to vote by post at a particular election

56. An application under section 9(7) of the 1985 Act shall set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the elections rules.

Closing date for applications

57.—(1) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to paragraph (3) below, an application under section 7(1) or (2), 8(7) or 9(7) or (8) of the 1985 Act shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which is made.

(3) Paragraph (2) above shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 55 above; and such an application shall

be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

(4) An application under—

- (a) section 6(4)(a) of the 1985 Act by an elector to be removed from the record kept under section 6(3) of that Act, or
- (b) section 9(11)(a) of that Act by a proxy to be removed from the record kept under section 9(6) of that Act,

and a notice under section 8(9) of that Act by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday shall be disregarded.

(6) In paragraph (5) above "bank holiday" means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁴⁴⁾ in any part of the United Kingdom, and
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland;

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, sub-paragraph (b), not (a), shall apply.

Grant or refusal of applications

58.—(1) Where the registration officer grants an application under section 6, 7, 8 or 9 of the 1985 Act, he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper (as amended for use also in respect of European Parliamentary elections) to be issued by the registration officer on the appointment of a proxy shall be in Form E.

(4) Where the registration officer refuses an application under section 6, 7, 8 or 9 of the 1985 Act, he shall notify the applicant of his decision and, in the case of an application under section 6(1) or 9(4), of the reasons for it; and he shall date such a notification.

(5) Where under regulation 57(1) or (4) above the registration officer disregards an application for the purposes of a particular election, he shall, where practicable, notify the applicant of this.

Notice of appeal

59.—(1) A person desiring to appeal under section 56(1)(b) of the 1983 Act⁽⁴⁵⁾ against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 58(4) above specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the appropriate county court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

⁽⁴⁴⁾ 1971 c. 80.

⁽⁴⁵⁾ Section 56(1)(b) was amended by Schedule 2 to the 1985 Act.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

60. Where the appointment of a proxy is cancelled by notice given to the registration officer under section 8(9) of the 1985 Act⁽⁴⁶⁾ or ceases to be in force under that provision or is no longer in force under section 8(10)(b) of that Act, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired, ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under section 6(3)(c) of that Act.

Inquiries by registration officer

61.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under section 6(3) of the 1985 Act⁽⁴⁷⁾ by virtue of an application under that section on the grounds set out in paragraph (b) or (c) of section 6(2).

(2) In the case of a person who is shown in the record kept under section 6(3) of the 1985 Act by virtue of an application under that section on the grounds set out in section 6(2)(c), the registration officer shall make the inquiries referred to in paragraph (1) above not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Records and lists kept under sections 6, 7 and 9 of the 1985 Act

62.—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under sections 7(4) and 9(9) of the 1985 Act to each candidate at a parliamentary election or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under sections 6(3) and 9(9) of the 1985 Act.

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with regulation 57(5) above) the registration officer shall publish the lists kept under sections 7(4) and 9(9) of the 1985 Act by making a copy of them available for inspection at his office.

Marked register for polling stations

63. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

Certificate of employment at a parliamentary election

64.—(1) The form of certificate in Form F is hereby prescribed for the purposes of rule 32(3) of the elections rules.

⁽⁴⁶⁾ Section 8(9) was substituted by Schedule 6 to the 2000 Act.

⁽⁴⁷⁾ Section 6 was amended by Schedule 6 to the 2000 Act.

(2) The prescribed officer of police for those purposes is one of or above the rank of chief inspector.

PART V

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Interpretation of Part V

- 65.** For the purposes of this Part of these Regulations, unless the context otherwise requires—
- “absent voters list” means the list kept under section 7(4) of the 1985 Act;
 - “agent” includes the election agent and a person appointed to attend in the election agent’s place;
 - “ballot paper envelope” and “covering envelope” mean the envelopes referred to in regulation 73 below;
 - “list of postal proxies” means the list kept under section 9(9) of the 1985 Act;
 - “postal ballot paper” means a ballot paper issued to a postal voter;
 - “postal voter” means an elector or proxy who is entitled to vote by post;
 - “postal voters’ ballot box” means the ballot box referred to in regulation 78(1)(a);
 - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in regulation 78(5) below;
 - “spoilt postal ballot paper” means a ballot paper referred to in regulation 76(1) below;
 - “universal postal service provider” has the meaning given in the Postal Services Act 2000⁽⁴⁸⁾ to a “universal service provider”; and
 - “valid declaration of identity” means one falling within regulation 82(1) below.

Issue of Postal Ballot Papers

Form of declaration of identity

66. The form of the declaration of identity for the purposes of rule 24 of the elections rules⁽⁴⁹⁾ shall be in Form G.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

67. No person may be present at the proceedings on the issue or receipt of postal ballot papers at a parliamentary election other than—

- (a) the returning officer,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent’s place, and
- (d) any agents appointed under regulation 68 below.

⁽⁴⁸⁾ 2000 c. 26.

⁽⁴⁹⁾ Rule 24 was substituted by Schedule 6 to the 2000 Act.

Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers

68.—(1) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so, however, that the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters' ballot box, as the case may be.

(3) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(4) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(5) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1) above, who are within the number authorised by the returning officer.

(6) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(7) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

69. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act(**50**).

Notice of issue of postal ballot papers

70.—(1) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents he may appoint under regulation 68 above to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under regulation 68 above to attend such issue.

Procedure on issue of postal ballot paper

71.—(1) Each postal ballot paper issued shall be stamped with the official mark.

(2) The number of the elector as stated in the register shall be marked on the counterfoil attached to the ballot paper.

(3) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(50) Section 66(6) was amended by Schedule 3 to the 1985 Act.

Refusal to issue postal ballot paper

72. Where a returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector.

Envelopes

73.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the elections rules⁽⁵¹⁾).

(2) There shall be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) the number of the ballot paper.

Sealing up of counterfoils and security of special lists

74.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2) above, the returning officer shall take proper precautions for the security of the lists referred to in that paragraph.

Delivery of postal ballot papers

75.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 26(1) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters and on the covering envelopes (except where paragraph (1)(c) above applies).

Spoilt postal ballot papers

76.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(51) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act.

(2) On receipt of the documents referred to in paragraph (1), the returning officer shall issue another postal ballot paper except where those documents are received after 5 p.m. on the day before the day of the poll.

(3) Regulations 71 (except paragraph (3)), 73, 74 and, subject to paragraph (6) below, 75 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

(4) The spoilt postal ballot paper, the declaration of identity and the ballot paper envelope shall be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with regulation 75 above.

(7) The returning officer shall enter in a list kept for the purpose (“the list of spoilt ballot papers”) —

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Receipt of Postal Ballot Papers

Notice of opening of postal ballot paper envelopes

77.—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under regulation 68(1) above to attend each opening.

Postal ballot boxes and receptacles

78.—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency for which the election is held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelope

79. The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

80.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 45 of the elections rules.

Opening of covering envelopes

81.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in regulation 82 below applies where a covering envelope contains both—

(a) a declaration of identity; and

(b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

(a) a declaration of identity (whether separately or not), and

(b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the returning officer shall mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity

82.—(1) The returning officer shall satisfy himself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address (referred to as a “valid declaration of identity”).

(2) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to paragraph (3) below, place it in the receptacle for rejected votes.

(3) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(4) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(5) Where there is a valid declaration of identity but no ballot paper envelope, or where the envelope has been opened under regulation 81(3) above, he shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked “rejected”; and
- (c) in the receptacle for declarations of identity, any declaration of identity not disposed of under sub-paragraph (b) above.

(6) Where the number on a valid declaration of identity is not the same as the number on the ballot paper envelope or where that envelope has no number on it, the returning officer shall open the envelope.

(7) Where an envelope has been opened under regulation 81(3) above or paragraph (6) above, the returning officer shall—

- (a) place in the postal ballot box any ballot paper the number on which is the same as the number on the valid declaration of identity;
- (b) place in the receptacle for rejected votes any other ballot paper, to which shall be attached the declaration of identity marked “rejected”;
- (c) place in the receptacle for rejected votes any declaration of identity marked “rejected” in respect of a ballot paper envelope which does not contain a ballot paper; and
- (d) place in the receptacle for declarations of identity, any such declaration not disposed of under sub-paragraph (b) or (c) above.

Opening of ballot paper envelopes

83.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

84. As soon as practicable after the completion of the procedure under regulation 83 above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and shall seal up such packets.

Abandoned poll

85. Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and
- (b) shall, notwithstanding regulations 81 to 83 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

Forwarding of documents

86.—(1) The returning officer shall forward to the Clerk of the Crown for Northern Ireland at the same time as he forwards the documents mentioned in rule 55 of the elections rules—

- (a) any packets referred to in regulations 74, 76(5) and 84 above, subject to regulation 85 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held, and
- (b) a completed statement in Form H of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll;
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in paragraph (1) above.

(3) Rules 56 and 57 of the elections rules shall apply to any packet or document forwarded under this regulation.

(4) A copy of the statement referred to in paragraph (1)(b) above shall be provided by the returning officer to the Secretary of State.

Northern Ireland Office

One of Her Majesty's Principal Secretaries of
State

2001

SCHEDULE 1

ENABLING POWERS

These Regulations are made under the following powers:

- (a) sections 10A(7) and (9)(**52**), 13A(6), 53(**53**) and 201(1) and (3)(**54**) of, rule 24(**55**) of Schedule 1 and Schedule 2(**56**) to, the Representation of the People Act 1983 (“the 1983 Act”);
- (b) sections 3(5), (6) and (7)(**57**) of the Representation of the People Act 1985 (“the 1985 Act”);
- (c) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act, sections 4(4)(**58**), 9(2)(**59**), 10A(1), (3), (6) and (7), 13(3), 13A(2), 13B(3), 14(1), 16, 56(1) and (5), 75(3) and 89(1) of, and rules 24, 28(3), 29(3A)(**60**) and 32(3) in Schedule 1 to, that Act;
- (d) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act and section 27(2) of the 1985 Act, sections 2(3), 6(1) and (5), 7(1) and (3), 8(6) and (7) and 9(4), (7) and (8) of the 1985 Act(**61**);
- (e) having regard to the designation(**62**) of the Secretary of State for the purposes of section 2(2) of the European Communities Act 1972(**63**) in relation to measures relating to the rights of citizens of the Union to vote at European Parliamentary elections and local elections in Northern Ireland, that section 2(2); and
- (f) paragraph 2(4)(b) of Schedule 1 to the European Parliamentary Elections Act 1978(**64**).

In the case of sections 4 to 56 of the 1983 Act, the provisions cited include those provisions as applied with modifications by section 2(1) of, and Schedule 1 to, the Elected Authorities (Northern Ireland) Act 1989(**65**).

SCHEDULE 2

Regulation 2

REVOCATIONS

<i>1</i> <i>Regulations revoked</i>	<i>2</i> <i>References</i>	<i>3</i> <i>Extent of revocation</i>
The Representation of the People (Northern Ireland) Regulations 1986	S.I. 1986/1091	The whole Regulations

(52) Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

(53) Section 53 was amended by Schedule 4 to the 1985 Act and Schedule 1 to the 2000 Act.

(54) Section 201(1) was amended by S.I. [1991/1728](#) and section 201(3) was inserted by Schedule 1 to the 2000 Act.

(55) Rule 24 was substituted by Schedule 6 to the 2000 Act.

(56) Schedule 2 was amended by Schedules 2 and 4 to the 1985 Act; Schedules 1 and 6 to the 2000 Act; Schedule 16 to the Local Government (Wales) Act [1994 \(c. 19\)](#); and section 5 of the Representation of the People Act [1989 \(c. 28\)](#). Schedule 2 has also been amended by section 9 of the 2000 Act but the amendments are not yet in force.

(57) Section 3 was substituted by Schedule 2 to the 2000 Act.

(58) Section 4 was substituted by section 1(2) of the 2000 Act.

(59) Sections 9, 10A, 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

(60) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(61) Section 2 was substituted by Schedule 2 to the 2000 Act and sections 6 to 9 were amended by Schedule 6 to that Act.

(62) The European Communities (Designation) (No. 3) Order 1993 (S.I. [1993/2661](#)).

(63) [1972 c. 68](#).

(64) [1978 c. 10](#).

(65) [1989 c. 3](#); Schedule 1 was amended by Schedule 3 to the 2000 Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Representation of the People (Northern Ireland) Regulations 2001 No. 400*

<i>1</i> <i>Regulations revoked</i>	<i>2</i> <i>References</i>	<i>3</i> <i>Extent of revocation</i>
The Representation of the People (Northern Ireland) (Amendment) Regulations 1989	S.I. 1989/1304	The whole Regulations
The Representation of the People (Northern Ireland) (Amendment) Regulations 1990	S.I. 1990/561	The whole Regulations
The Representation of the People (Northern Ireland) (Variation of Specified Documents and Amendment) Regulations 1991	S.I. 1991/1674	The whole Regulations
The Representation of the People (Northern Ireland) (Amendment) Regulations 1992	S.I. 1992/832	The whole Regulations
The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994	S.I. 1994/342	Part III of the Schedule
The Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995	S.I. 1995/1948	Paragraphs 23 to 26 of Schedule 2
The Representation of the People (Northern Ireland) (Amendment) Regulations 1997	S.I. 1997/967	The whole Regulations
The Representation of the People (Northern Ireland) (Amendment) Regulations 1998	S.I. 1998/2870	The whole Regulations

SCHEDULE 3

FORMS ARRANGEMENT OF FORMS

Form A:	Elector's official poll card
Form B:	Proxy's official poll card

Form C:	Return of expenses required by section 75 of the 1983 Act
Form D:	Declaration as to expenses required by section 75 of the 1983 Act
Form E:	Proxy paper
Form F:	Certificate of employment
Form G:	Declaration of identity
Form H:	Statement as to postal ballot papers

Regulation 9(2)

Form A: ELECTOR'S OFFICIAL POLL CARD

Front of card

REPRESENTATION OF THE PEOPLE ACTS
OFFICIAL POLL CARD

Constituency	Number on register
Polling Day	Name
Your polling station will be	Address
Polling hours 7 a.m. to 10 p.m.

Back of card

PARLIAMENTARY ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper: see that he stamps the official mark on it before he gives it to you.

Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.

Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

Regulation 9(3)

Form B: PROXY'S OFFICIAL POLL CARD

Front of card

REPRESENTATION OF THE PEOPLE ACTS

PROXY'S OFFICIAL POLL CARD

Proxy's name.....

Proxy's address

PARLIAMENTARY ELECTION

.....Constituency

Polling day

The poll will be open from 7 a.m. to 10 p.m.

Back of card

The elector named below whose proxy you are is entitled to vote at the polling station—

.....
To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows:—

Number on register

Name (of Elector)

Address

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you on his behalf.

ISSUED BY THE RETURNING OFFICER

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Representation of the People (Northern Ireland) Regulations 2001 No. 400

Regulation 10(1)

Form C: RETURN OF EXPENSES REQUIRED BY SECTION 75 OF THE 1983 ACT

REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE.....CONSTITUENCY

Date of publication of notice of election

The expenses shown below were authorised in writing in accordance with the provisions of section 75 of the Representation of the People Act 1983.

They were authorised

by(name of election agent)

for the candidate(name of candidate) in the above-mentioned election.

They were incurred by(person/association/body of persons).

The agent's written authority is attached to this return.

Amount of expenses incurred: £.....

Signature..... Date.....

Regulation 10(1)

Form D: DECLARATION AS TO EXPENSES REQUIRED BY SECTION 75 OF THE 1983 ACT

REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE.....CONSTITUENCY

Date of publication of notice of election

Name of candidate.....

Name of election agent.....

I hereby declare that—

1. I am [the person] or [a director, general manager, secretary or similar officer of the association, organisation or body of persons]* named as incurring expenses in the accompanying return of expenses required by section 75 of the Representation of the People Act 1983.

2. To the best of my knowledge and belief that return is complete and correct.

3. The matter for which the expenses referred to in that return were incurred were as follows

.....
.....
.....
.....

Signature.....

Office held
(In the case of an association or body of persons)

Date

*enter as appropriate

Regulation 58(3)

Form E: PROXY PAPER
REPRESENTATION OF THE PEOPLE ACTS

Constituency

Polling district.....

European Parliamentary electoral region

Name of Proxy

Address

.....

.....

is hereby appointed as proxy for

(Name of elector)

*[who is qualified to be registered for

(Qualifying address)]

*[who qualifies as an overseas elector in respect of the above constituency] to vote for him/her at

*[the *[parliamentary] *[European Parliamentary] election for the above *[constituency] *[European
Parliamentary electoral region] on (date)

*[any *[parliamentary] *[European Parliamentary] election for the above *[constituency] *[European
Parliamentary electoral region]]

*[This proxy appointment is not valid until]

Signature

Electoral Registration Officer

Address

.....

.....

Date

**Delete whichever is inappropriate*

YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period.
If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.
If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or European Parliamentary election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.
4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about whether you satisfy the entitlement to vote by post.

Regulation 64(1)

Form F: CERTIFICATE OF EMPLOYMENT
REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE CONSTITUENCY

I certify that (name) who is numbered in the register of electors for the constituency named above cannot reasonably be expected to go in person to the polling station allotted to him or her at the election on (*date of poll*) by reason of the particular circumstances of his or her employment on that date for a purpose connected with the election—

*Delete whichever is inappropriate	*(a) as a constable *(b) by me.
---------------------------------------	------------------------------------

Signature
 *Returning officer/police officer (chief inspector or above).

Date

Note:—The person named above is entitled to vote at any polling station of the above constituency on production and surrender of this certificate to the presiding officer.

Regulation 66

Form G: DECLARATION OF IDENTITY

Front of form

DECLARATION OF IDENTITY REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness

(WRITE CLEARLY)

Address of witness

(WRITE CLEARLY)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. Vote for one candidate only. Put no other mark on the ballot paper or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll.
5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

Regulation 86(1)(b)

**Form H: STATEMENT AS TO POSTAL BALLOT
PAPERS
REPRESENTATION OF THE PEOPLE ACTS
PARLIAMENTARY ELECTION**

Constituency Date of poll....., 20.....

<i>A. Issue of postal ballot papers</i>	<i>Number</i>
1. Total number of postal ballot papers issued under regulation 70	
2. Total number of postal ballot papers issued under regulation 76(2) (where the first ballot paper was spoilt and returned for cancellation)	
3. Total number of postal ballot papers issued (1 + 2)	

<i>B. Receipt of postal ballot papers</i>	<i>Number</i>
4. Number of covering envelopes received by the returning officer before the close of poll (excluding any undelivered or returned under regulation 76(1) with spoilt ballot papers)	
5. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered	
6. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued	
7. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued	
8. Number of covering envelopes returned as undelivered (up to the date of this statement)	
9. Number of covering envelopes not received by the returning officer by the date of this statement	
10. Total Nos. 4 to 9 (This number should be the same as that in 3. above)	

<i>C. Count of postal ballot papers</i>	<i>Number</i>
11. Number of covering envelopes received by the returning officer before the close of poll (excluding any undelivered or returned under regulation 76(1) with spoilt ballot papers)	
12. Number of ballot papers returned by postal voters which were included in the count of ballot papers	
13. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under regulation 76(4) are not rejections and should be included in items 2 and 6 above)	

Date..... Signed.....

Returning Officer

Address

SCHEDULE 4

Regulation 13

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 AND 1985 ACTS
FOR REGISTRATION OF EUROPEAN PARLIAMENTARY OVERSEAS ELECTORS

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
PART I: THE 1983 ACT	
Section 4(5) (attainers)(66)	
Section 9 (register of electors)(67)	In subsection (1)(a) omit “for each constituency or part of a constituency”.
	Omit subsection (2)(b).
	Omit subsections (5) to (8).
Section 13 (publication of registers)(68)	For subsections (1) to (3) substitute: “(1) Where a register under section 3 of the 1985 Act is in force, a revised version of it shall be published when a revised version of the registers of parliamentary and local government electors is published under this section as it has effect for the purposes of such registers.”.
Section 13A (alteration of registers)	
Section 13B (alteration of register: pending elections)	For subsection (4) substitute: “(4) This section applies to elections to the European Parliament.”.
Section 50 (effect of misdescription)	For paragraphs (a), (b) and (c) substitute “in the register”.
Section 52 (discharge of registration duties)(69)	In subsections (1) and (4) after the word “Act” insert “and regulation 13 of the Representation of the People (England and Wales) Regulations 2001”.
Section 54 (payment of expenses of registration)(70)	In subsection (1) after the word “Act” in the first place where it occurs, insert “and regulation 13 of the Representation of the People (England and Wales) Regulations 2001”.
	Omit subsection (3).
Section 56 (registration appeals: England and Wales)(71)	Omit subsection (1)(b).

(66) Section 4 was substituted by section 1(2) of the 2000 Act.

(67) Section 9 was substituted by Schedule 1 to the 2000 Act.

(68) Sections 13 to 13B were substituted by Schedule 1 to the 2000 Act.

(69) Section 52 was amended by Schedule 4 to the 1985 Act.

(70) Section 54 was amended by Schedule 4 to the 1985 Act.

(71) Section 56 was amended by Schedule 4 to the 1985 Act and Schedule 1 to the 2000 Act.

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
Section 58 (registration appeals: Northern Ireland)(72)	
Section 63 (breach of official duty)(73)	In subsection (3)— (a) for paragraphs (a) to (d) substitute: “ (a) any registration officer,”; and (b) for the words from “relating to” to the end of the subsection substitute “relating to the registration of European Parliamentary overseas electors”.
PART II: THE 1985 ACT	
Section 2 (registration of British citizens overseas)(74)	In subsection 1(a) omit “constituency or”. In paragraph (c) of subsection (2) for the words from “parliamentary” to the end of that paragraph, substitute “local electors”. In subsection (4) for “section 1” substitute “section 3”. In subsection (7) for “any constituency or part of a constituency” substitute “the electoral region”. In subsection (8) for “section 1(1)(a)” substitute “section 3(1)(a)”.
In section 12 (offences as to declarations etc), subsections (1), (2) and (4)	In subsection (1)(a) for the word “parliamentary” substitute “European Parliamentary”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Representation of the People (Northern Ireland) Regulations 1986, as amended, (“the 1986 Regulations”). These Regulations are needed in consequence of changes made by the Representation of the People Act 2000 (“the 2000 Act”).

(72) Section 58 was substituted by Schedule 1 to the 2000 Act.

(73) Section 63 was substituted by Schedule 4 to the 1985 Act.

(74) Section 2 was substituted by Schedule 2 to the 2000 Act.

Part I of these Regulations is based on Part I of the 1986 Regulations (as amended). Regulation 5 of these Regulations is simpler than the equivalent provision in the 1986 Regulations and is intended (together with regulation 6) to facilitate the use of electronic communications. The fees in regulation 10 are increased from £1.50 as the fee for inspection and 15p as the fee for copies to £5 and 20p, respectively.

Regulation 12 of these Regulations exercises the power conferred by rule 29(3A)(b) of the parliamentary elections rules, as inserted by section 13(2) of the 2000 Act. This imposes on the returning officer a duty to supply to each polling station a device of a description prescribed in regulations to enable blind or partially sighted voters to vote without assistance.

Provision about the registration of relevant citizens of the Union as European Parliamentary electors which was made by regulation 14A of the 1986 Regulations, as amended, will be included in a separate set of regulations.

Part II of these Regulations is based on Part II of the 1986 Regulations (as amended). However, the provision in the latter in respect of patients' declarations is omitted consequent on the replacement of section 7 of the 1983 Act (subsections (2) to (9) of which provided for such declarations) by the 2000 Act. This has resulted in the omission of this category of declaration.

Part III of these Regulations differs from Part III of the 1986 Regulations because it no longer includes provision about electors lists (whether or not in the form of the draft register). This is because the changes made by Schedule 1 to the 2000 Act abolished the need for such lists consequent on the introduction of "rolling registration". Under this system the register of electors continues in force indefinitely (although revised versions of it will be produced at least once a year). This contrasts with the previous system under which the register remained in force for one year and was compiled by reference to residence on a qualifying date.

In spite of these changes the following regulations are in substance the same as provisions in the 1986 Regulations (including provisions in those Regulations about amendments to the published register). These regulations are regulations 23 and 24, 26 to 32, 35 to 40 and 42 to 45. Regulation 41 (order of names) no longer includes provision about the numbering of names in the register (because that is provided for in section 9(3) and (4) of the 1983 Act, as substituted by Schedule 1 to the 2000 Act).

Regulation 25 extends the duty on registration officers to send out reminders to all persons registered in pursuance of a declaration and not just overseas electors; it thereby covers those who made service declarations and declarations of local connection.

Under section 10A(5) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act) a person who is duly entered in a register is entitled to remain there until the occurrence of any of the circumstances set out in that provision. Paragraph (b) of that provision enables regulations to set out circumstances for these purposes and regulation 33 exercises that power.

Amongst the circumstances set out in section 10A(5) are those where no form used for the purposes of the annual canvass (under section 10(4) of the 1983 Act, as substituted by Schedule 1 to the 2000 Act) has been returned in respect of someone included in the register. Regulation 34 exercises the power in section 10A(7) to enable such a name to be included in the register for the period of one year only notwithstanding the absence of a return.

Regulation 35 is a new provision which enables the registration officer to inspect the records listed in that regulation for electoral registration purposes. Regulation 36 specifies notices for the purposes of sections 13(3), 13A(2) and 13B(3) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act). Regulation 37 makes provision about notification where the registration officer is informed by a person who has moved into his area that he no longer resides in the area of another registration officer.

Regulation 46 repeats the substance of the existing rules on the free supply of copies of the register but adds the Electoral Commission to the list of officers to whom copies of a revised version of the register (and list of overseas electors) are to be supplied free of charge on publication. Regulation

47 repeats the substance of the existing rules on the free supply of copies of the register on request but adds political parties registered under Part II of the Political Parties, Elections and Referendums Act 2000 to the list of recipients. In the case of both regulations the copy is to be supplied in data form, subject to exceptions. Regulations 48 and 49 make fresh provision about the sale of copies of the register (and list of overseas electors).

Part IV of these Regulations repeats the substance of Part IV of the 1986 Regulations, as amended.

Part V of these Regulations repeats the substance of Part V of the 1986 Regulations. However, regulation 75 expands the existing provision as to the means that may be used to deliver postal ballot papers.