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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**Representation of the People  
(Northern Ireland) Regulations 2001**

**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<sup>(1)</sup>.

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

(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<sup>(2)</sup>.

### **Reminders to electors registered pursuant to a declaration**

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

- (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<sup>(3)</sup> 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

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

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

- (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;
  - (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<sup>(4)</sup>.

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

(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
- (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(5).

(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—

- (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(6) 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(7);
- (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—

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(5) 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.

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

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

- (a) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act<sup>(8)</sup>; 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<sup>(9)</sup> does not apply.

(2) Those circumstances are that—

- (a) on the conclusion of a canvass under section 10 of the 1983 Act<sup>(10)</sup> 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<sup>(11)</sup> 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.

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<sup>(8)</sup> Sections 7 and 7A were substituted by sections 4 and 5 of the 2000 Act.

<sup>(9)</sup> Section 10A was inserted by Schedule 1 to the 2000 Act.

<sup>(10)</sup> Section 10 was substituted by Schedule 1 to the 2000 Act.

<sup>(11)</sup> Section 13 was substituted by Schedule 1 to the 2000 Act.

### **Notices in connection with registration**

- 36.**—(1) A notice under section 13(3) of the 1983 Act(**12**) 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
  - (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(**13**) (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(**14**).

(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

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

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

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

(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<sup>(15)</sup>.

### 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.

(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<sup>(16)</sup> 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.

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<sup>(15)</sup> Section 7B was inserted by section 6 of the 2000 Act.

<sup>(16)</sup> Section 13 was substituted by Schedule 1 to the 2000 Act.



(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—

- (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<sup>(17)</sup>.

(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<sup>(18)</sup>;
- (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.

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<sup>(17)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

<sup>(18)</sup> Sections 13 to 13B were substituted by Schedule 1 to the 2000 Act.

(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
- (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<sup>(19)</sup>, 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.

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<sup>(19)</sup> 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.