
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Northern Ireland) Regulations 2008 (“the 2008 Regulations”), which make provision for the registration of local and Parliamentary electors and other matters concerning, for the most part, Parliamentary elections in Northern Ireland.

Regulations 2 and 12 both amend provisions concerning identification. Regulation 2 amends regulation 25 of the 2008 Regulations and adds a 60+ SmartPass and a bill or statement from a credit union to the forms of identification that may be produced in support of a late application to register. Rule 37 of the Parliamentary Elections Rules requires certain forms of identification to be produced when a person (whether as elector or proxy) votes in person. Regulation 12 adds a 60+ SmartPass to the list of acceptable identification and relaxes the requirement for a full UK driver’s licence; provisional and Community licences will now also be acceptable.

Regulation 35 of the 2008 Regulations sets out the circumstances in which the registration officer may determine summarily whether a person has ceased to satisfy the conditions for registration. These include when he or she is notified by the Registrar General of Births and Deaths in Northern Ireland that the elector has died. Regulation 3 extends this to include notification that the elector has died by registrars of births and deaths throughout the UK and the Registrar General (an tArd-Chláraitheoir) in the Republic of Ireland.

For the purposes of meeting his or her registration objectives (as set out in the Northern Ireland (Miscellaneous Provisions) Act 2006) the registration officer can request information from such bodies as are specified. Regulation 42 of the 2008 Regulations specifies those bodies and regulation 4 adds colleges of further education. The functions of the Northern Ireland Central Services Agency have been transferred to the newly-created Regional Business Services Organisation and the former’s entry is replaced to reflect this.

Currently those applying to vote by post (whether as elector or proxy) must provide an address to which their ballot papers are to be sent. Regulation 5 inserts new regulations 55A and 55B in the 2008 Regulations. Henceforth under new regulation 55A when the address provided is different to that at which the elector is registered (or in the case of a proxy, the proxy’s address as notified by the elector in his or her application for a postal vote), the applicant will need to say why this is the case. Similarly under new regulation 55B, if a voter (whether as elector or proxy) with an indefinite postal vote applies for their ballot paper to be sent to a different address to that in the registration officer’s record, reasons why must be provided.

Both regulations 57 and 59 of the 2008 Regulations set out additional requirements for those applying for absent votes. Regulation 6 amends regulation 57 which concerns applications made on grounds of blindness or other disability. It extends the list of those who may attest such applications but will also henceforth require that they are on the electoral register. In certain circumstances receipt of a specified benefit will be sufficient evidence and the number of such benefits has been increased.

Regulation 7 amends regulation 59, which concerns applications for an absent vote at a particular election. Currently a person may only attest one such application made on general grounds and this has been increased to two. It also introduces a new requirement for those attesting applications made on grounds of ill health: henceforth they must themselves be on the electoral register.

Regulation 8 amends regulation 72 of the 2008 Regulations and adds the returning officer’s clerks to those who may be present when postal ballot papers are issued and received.

Regulation 9 inserts a new regulation 78(5) in the 2008 Regulations and clarifies how ballot paper envelopes (that is, the envelope containing a postal voter's marked ballot paper) should be handled when, instead of bearing the number of the ballot paper, a window envelope has been used through which the ballot paper number can be seen. It also makes a consequential amendment to regulation 87 of the 2008 Regulations to make provision for this.

Regulation 10 inserts a new regulation 107A in the 2008 Regulations making provision for a further category of person, namely registered medical practitioners, who may request a copy of the full register. The medical practitioner may only do this for medical purposes which are defined to mean where it is necessary for the care or treatment of a person. The medical practitioner may only request so much of the information on the register as relates to that person (or his or her dependant).

Regulation 11 amends regulation 111 of the 2008 Regulations to clarify that reference to a Government department (which may purchase copies of the full register) includes a Northern Ireland department.

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