

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, section 333(3A) of the Town and Country Planning Act 1990 and section 154(2) of the Police Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 000

LOCAL GOVERNMENT, ENGLAND

POLICE, ENGLAND AND WALES

**REPRESENTATION OF THE PEOPLE, ENGLAND AND
WALES**

TOWN AND COUNTRY PLANNING, ENGLAND

**The Representation of the People (Franchise Amendment and
Eligibility Review) Regulations 2023**

Made - - - -

Coming into force in accordance with regulation 1(2)

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 10ZC(3), 10ZE(4), 13(1), 53(1) and (3), and 201(3) of, and paragraphs 1(2) and (2A) and 3ZA(1) and (2) of Schedule 2 to, the Representation of the People Act 1983(a), by paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990(b), and by sections 58(1), (5) and (6) and 154(5) (as extended by section 26(3) of the Welsh Language Act 1993(c)) of the Police Reform and Social Responsibility Act 2011(d).

The Secretary of State has consulted the Electoral Commission, in accordance with paragraph 16(5) of Schedule 4B to the Town and Country Planning Act 1990, and section 7(1) and (2)(e) and (hc) of the Political Parties, Elections and Referendums Act 2000(e).

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- (a) 1983 c. 2. Section 10ZC was inserted by section 1(1) of, and section 10ZE was inserted by paragraph 1 to Schedule 1 to, the Electoral Registration and Administration Act 2013 (c. 6) (“the 2013 Act”). Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2) (“the RPA 2000”), and subsection (1) was further substituted by section 5 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). See section 202(1) for the meaning of “prescribed” in section 13(1). Section 53(1) was amended by paragraph 13 of Schedule 1 to the RPA 2000 and by paragraph 1 of Schedule 2 to the Elections Act 2022 (c. 37). Section 53(3) was amended by paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the RPA 2000 and was amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Paragraph 1(2) of Schedule 2 was amended by paragraph 24(2) of Schedule 1 to the RPA 2000 and by paragraph 20(2) of Schedule 4 to the 2013 Act. Paragraph 1(2A) was inserted by section 2(2) of the 2013 Act and was amended by paragraph 3(2) of Schedule 2 to the Elections Act 2022 (c. 37). Paragraph 3ZA was inserted by section 2 of the 2013 Act and amended by paragraph 5 of Schedule 2 to the Elections Act 2022.
- (b) 1990 c. 8. Schedule 4B was inserted by section 116 (2) of, and Schedule 10 to, the Localism Act 2011 (c. 20) and was amended by sections 140(1) and 141 of the Housing and Planning Act 2016 (c. 22) and by S.I. 2013/2597, 2018/1232, and 2021/1265. It is prospectively amended by section 7 of the Neighbourhood Planning Act 2017 (c. 20) from a date and time to be appointed.
- (c) 1993 c. 38.
- (d) 2011 c. 13. Section 58 was amended by S.I. 2015/1526, 2021/1265. Section 154(5) was amended by S.I. 2014/268, 2021/1265.
- (e) 2000 c. 41. Section 7(2)(hc) was inserted by paragraph 11 of Schedule 10 to the Police Reform and Social Responsibility Act 2011.

A draft of these Regulations has been laid before and approved by a resolution of each House of Parliament in accordance with section 201(2) of the Representation of the People Act 1983(a), section 333(3A) of the Town and Country Planning Act 1990(b), and section 154(2) of the Police Reform and Social Responsibility Act 2011.

PART 1

Introduction

Citation, commencement, extent and savings

1.—(1) These Regulations may be cited as the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023.

(2) This regulation and regulation 38(3) come into force on the day after the day on which they are made, and the remainder of these Regulations comes into force on 7th May 2024.

(3) These Regulations extend to England and Wales.

(4) The amendments made by—

(a) regulations 32(a) and 35 do not apply to an application under section 10ZC(1)(a) of the 1983 Act made before 7th May 2024;

(b) regulation 38(3) do not apply to a business referendum for which the date of poll, as stated in the notice published in accordance with rule 6 of Schedule 7 to the Neighbourhood Planning (Referendums) Regulations 2012(c), is on or before 6th May 2024.

Interpretation

2. In these Regulations—

“1983 Act” means the Representation of the People Act 1983;

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

“2011 Act” means the Police Reform and Social Responsibility Act 2011;

“2012 Order” means the Police and Crime Commissioner Elections Order 2012(e);

“PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011(f);

“PCC elections rules” means the rules set out at Parts 1 to 7 of Schedule 3 to the 2012 Order.

(a) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and was amended by paragraph 6(1) and (7)(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41); by section 13 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13); by paragraph 1(9) of Schedule 8 to the Elections Act 2022 (c. 37); and by S.I. 1991/1728.

(b) Section 333(3A) was inserted by paragraph 22(3) of Schedule 12 to the Localism Act 2011 (c. 20).

(c) S.I. 2012/2031; relevant amending instruments are S.I. 2013/798, 2014/333.

(d) S.I. 2001/341; relevant amendments are those made by paragraph 254 of Schedule 19 to the Data Protection Act 2018 (c. 12), by section 16(2) to (4) and 22(3) of the Senedd and Elections (Wales) Act 2020 (anaw 1) and by paragraph 16(3) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1) and relevant amending instruments are S.I. 2006/2910, 2013/3198, 2015/1971, 2016/694, 2018/272, 312, 644, 1310, 2020/50, 2021/1265.

(e) S.I. 2012/1917; relevant amending instruments are S.I. 2014/921, 2018/272, 2022/1382.

(f) Chapter 6 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), by section 122(1) of, and by paragraphs 86 and 90 of Schedule 1, paragraph 117 of Schedule 2 and paragraph 73(1) and (2) of Schedule 9 to, the Policing and Crime Act 2017 (c. 3), by section 8 of the Wales Act 2017 (c. 4), by paragraph 5 of Schedule 1 to the Local Government (Democracy) (Wales) Act 2013 (anaw 4), by paragraph 16 of Schedule 5 to the Local Government and Elections (Wales) Act 2021, by paragraph 6 of Schedule 8 to the Elections Act 2022, and by S.I. 2014/468, 2015/1376, 1526, 2017/470, 2018/1310, 2021/1265.

PART 2

Review of registration entitlement of relevant citizens of the Union in England and of eligibility of relevant citizens of the Union to vote in PCC elections in Wales

CHAPTER 1

Interpretation

Interpretation

3. In this Part—

“eligibility criteria” means the criteria for eligibility to vote set out in section 52(1C) of the 2011 Act(a);

“registration criteria” means the criteria for registration set out in section 4(3)(c) of the 1983 Act(b);

“relevant citizen of the Union” has the same meaning as in section 202(1) of the 1983 Act(c);

“relevant person” means a person who—

- (a) is a relevant citizen of the Union, and
- (b) either—
 - (i) on the coming into force of this Part—
 - (aa) is registered in a register of local government electors in England, or
 - (bb) the registration officer is required to enter the applicant in such a register in accordance with section 10ZC(1) of the 1983 Act, or
 - (ii) has submitted an application under section 10ZC of the 1983 Act before the coming into force of this Part, and that application is granted on or after the coming into force of this Part.

Meaning of “address” in specified circumstances

4.—(1) This regulation applies where a relevant person is registered pursuant to—

- (a) a declaration of local connection under section 7B of the 1983 Act(d),
- (b) an application for anonymous entry under section 9B of the 1983 Act(e), or
- (c) a service declaration(f).

(2) Where this regulation applies, references in this Part to the relevant person’s address are to—

- (a) for a person who has made a declaration of local connection, the address stated by the person in that declaration pursuant to section 7B(3)(a)(i) of the 1983 Act, or the address of the registration officer’s office (as the case may be);
- (b) for a person who is registered pursuant to an application for anonymous entry, the address given pursuant to regulation 26(1)(b) or 31G(6) of the 2001 Regulations (as the case may be);

(a) Section 52 was amended by section 8(8) of the Wales Act 2017 (c. 4) and by paragraph 6(3) of Schedule 8 to the Elections Act 2022 (c. 37).

(b) Section 4 was amended by paragraph 1 of Schedule 8 to the Elections Act 2022.

(c) The definition of “relevant citizen of the Union” was inserted by S.I. 1995/1948.

(d) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2), and was amended by section 14(1)(a)(ii) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by section 19 of the Senedd and Elections (Wales) Act 2020, by paragraph 2(2) of Schedule 2 to the Local Government and Elections (Wales) Act 2021, by paragraph 1(3) of Schedule 8 to the Elections Act 2022 and by S.I. 2007/1388.

(e) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and was amended by paragraph 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

(f) See section 202(1) of the 1983 Act for the meaning of “service declaration”.

- (c) for a person who is registered pursuant to a service declaration, the person's correspondence address or British Forces Post Office Number.

CHAPTER 2

Review of registration entitlement of relevant citizens of the Union in England

Duty to determine whether relevant citizens of the Union continue to satisfy the registration criteria

5.—(1) A registration officer appointed for an area in England must determine in accordance with regulations 6 to 13 whether a relevant person in the registration officer's area continues to satisfy the registration criteria.

(2) Subject to paragraphs (3) and (4), a registration officer must make the determination specified in paragraph (1) by the end of 31st January 2025.

(3) Paragraph (2) does not apply where at the end of 31st January 2025—

- (a) the registration officer has requested information from a relevant person under regulation 10, and the date for response specified in that request has not yet passed,
- (b) the 14 day period within which the relevant person may request a review hearing, following notification from the registration officer pursuant to regulation 12, has not yet passed, or
- (c) the relevant person has requested a hearing pursuant to regulation 12(2)(d), and
 - (i) the review has not yet been heard, or
 - (ii) the review has been heard but the subject of the review has not been notified of the outcome of the review,

and in consequence the registration officer has not made a determination.

(4) Where paragraph (3) applies, the registration officer must make the determination specified in paragraph (1) as soon as reasonably practicable after 31st January 2025.

(5) Nothing in this Chapter prevents a registration officer from reviewing the eligibility of a relevant person to be or to remain registered in accordance with section 10ZE of the 1983 Act for reasons other than that they are a relevant person.

Procedure for reviewing entitlement to registration – data-based review

6.—(1) A registration officer appointed for an area in England must conduct a review in respect of a relevant person, to determine whether that person continues to satisfy the registration criteria.

(2) As part of a review under paragraph (1), the registration officer may consider (amongst other things) any information provided in accordance with regulation 26(1)(fa) of the 2001 Regulations^(a) as part of an application received from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act.

Procedure for reviewing entitlement to registration – correspondence-based review

7.—(1) Subject to paragraph (2), where a registration officer is not satisfied following a review under regulation 6 that a relevant person continues to satisfy the registration criteria, the registration officer must—

- (a) give notice to that person containing information specified at paragraph (3) (a “first review notice”), and
- (b) enter the review in the list kept pursuant to regulation 31E of the 2001 Regulations.

(2) Where the relevant person is registered pursuant to—

(a) Sub-paragraph (fa) is inserted by regulation 32(a) of this instrument.

- (a) a declaration of local connection under section 7B of the 1983 Act,
- (b) an application for anonymous entry under section 9B of the 1983 Act, or
- (c) a service declaration,

and the date on which the relevant person's entitlement to remain registered under (as the case may be) section 7C, 9C or 15 of the 1983 Act^(a) expires is before the end of 31st January 2025, paragraph (1) is to be read as if for "must" there were substituted "may".

(3) A first review notice must—

- (a) explain that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed,
- (b) state that the registration officer is not certain that the relevant person remains entitled to be registered, and the grounds for the registration officer's opinion,
- (c) require that the relevant person provide such further information as specified in the notice relating to whether that person meets the registration criteria,
- (d) provide information on how the relevant person may respond to the request for information, and
- (e) state that it is an offence to provide false information to the registration officer, and the maximum penalty for that offence.

(4) Paragraph (5) applies where—

- (a) the registration officer sends a first review notice to a relevant person, and
- (b) that person does not respond within a reasonable time from the date on which that notice is sent.

(5) Where this paragraph applies, the registration officer must give a further notice to the relevant person, setting out the same information as at paragraph (3) (a "second review notice").

(6) Subject to paragraph (7), a first or second review notice may be given to a relevant person either—

- (a) by sending it to the person's address, or
- (b) by electronic means.

(7) Where the first review notice was given to a relevant person by electronic means, the second review notice must be sent to the person's address.

(8) The registration officer may contact the relevant person, either by telephone or by visiting the address to which a first or second review notice was delivered, to—

- (a) obtain information requested in the notice, or
- (b) encourage the relevant person to provide the information requested.

Notification of possible removal in the event of non-response

8.—(1) This regulation applies where—

- (a) the registration officer has given first and second review notices to a relevant person, and
- (b) the relevant person has not responded within a reasonable time from the date of the second review notice.

(a) Section 7C was inserted by section 6 of the Representation of the People Act 2000 (c. 2) and amended by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by section 12 of the Electoral Administration Act 2006 (c. 22), and by paragraph 4 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 and amended by paragraph 8 of Schedule 4 to the Electoral Registration and Administration Act 2013. Section 15 was amended by paragraph 8 of Schedule 1 to the Representation of the People Act 2000; by sections 12(7) and 13(1) of the Electoral Administration Act 2006; by paragraph 15 of Schedule 4 to the Electoral Registration and Administration Act 2013; by section 20(3) of the Senedd and Elections (Wales) Act 2020 (anaw 1), by paragraph 1(4) of Schedule 8 to the Elections Act 2022 (c. 37) and by S.I. 1995/1948.

(2) Where this regulation applies, the registration officer must send a notice to the relevant person (a “notification of possible removal”) which must—

- (a) include the information set out in regulation 7(3),
- (b) state the date of issue of the notice, and
- (c) state that if within 14 days beginning with the date of issue the registration officer has not received the information requested—
 - (i) the registration officer may determine the review and remove the person’s entry from the register, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

(3) A notification of possible removal must be delivered to the relevant person by paper communication to the person’s address, accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.

Requirement to attempt personal contact with relevant person

9.—(1) This regulation applies where—

- (a) a registration officer has issued a notification of possible removal to a relevant person,
- (b) the relevant person is not registered pursuant to—
 - (i) a declaration of local connection under section 7B of the 1983 Act,
 - (ii) an application for anonymous entry under section 9B of the 1983 Act, or
 - (iii) a service declaration,
- (c) the relevant person has not responded to the notification of possible removal, and
- (d) the registration officer has not previously attempted to contact the relevant person by telephone or by visiting the address.

(2) Where this regulation applies, within 7 days beginning with the date of issue of the notification of possible removal, the registration officer must attempt to contact the relevant person, either by telephone or by visiting the address, to—

- (a) obtain information requested in the notification, or
- (b) encourage the relevant person to provide the information requested.

(3) Where this regulation applies, a registration officer must not determine that the relevant person has ceased to satisfy the registration criteria before the registration officer has attempted to contact the relevant person in accordance with paragraph (2).

(4) In this regulation, the “address” means the address to which the first or second review notice under regulation 7(1) or (5) was delivered.

Request for further information

10.—(1) The registration officer may request further information from a relevant person, including information that may be requested of an applicant for registration under regulation 26B(10A) to 26B(10C), and regulation 26BB, of the 2001 Regulations(a), where—

- (a) the registration officer has sent a first or second review notice or notification of possible removal to the relevant person, and
- (b) the relevant person has responded but the registration officer considers further information is necessary for the officer to be satisfied that the relevant person satisfies the registration criteria.

(a) Paragraphs (10A) to (10C) are inserted by regulation 33 of this instrument; regulation 26BB is inserted by regulation 34 of this instrument.

(2) A request for further information pursuant to paragraph (1) may be given to the relevant person by sending it to the person's address, or by electronic means, and must state that if by a specified date that is a reasonable time after the request was issued the registration officer has not received the information requested—

- (a) the registration officer may determine the review and remove the person's entry from the register, and
- (b) the relevant person would not be entitled to appeal against the registration officer's determination in those circumstances.

Confirmation of continued registration following review

11.—(1) Where, in accordance with this Chapter, a registration officer determines that the relevant person continues to satisfy the registration criteria, the registration officer must—

- (a) send a confirmation notice to that person in accordance with paragraph (2), and
- (b) mark that person's name in accordance with regulation 42(3C) of the 2001 Regulations^(a).

(2) A confirmation notice under paragraph (1) must—

- (a) be sent to the person's address, or by electronic means,
- (b) state that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed, and
- (c) state that the registration officer has determined that the relevant person continues to satisfy those criteria.

Procedure for removal following response to communications

12.—(1) This regulation applies where—

- (a) a relevant person has responded to a notice, notification or request under regulations 7 to 10 or has provided requested information in response to the registration officer making contact with that person, and
- (b) the registration officer is not satisfied that the relevant person continues to satisfy the registration criteria.

(2) The registration officer must send a notice to the relevant person's address, which must—

- (a) state the date of issue of the notice,
- (b) advise that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed,
- (c) state that the registration officer is of the opinion that the relevant person has ceased to satisfy the registration criteria, and the grounds for the registration officer's opinion,
- (d) state that if the relevant person does not notify the registration officer within 14 days beginning with the date of issue that the relevant person requires the review to be heard—
 - (i) the registration officer may determine the review and remove the relevant person's entry from the register, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer's determination in those circumstances, and
- (e) state that after 14 days beginning with the date of issue, the relevant person can contact the registration officer to find out if the registration officer has removed the relevant person's entry from the register.

(a) Paragraph (3C) is inserted by regulation 35(b) of this instrument.

(3) The relevant person is entitled to require the review to be heard by notifying the registration officer within 14 days beginning with the date of issue of the notice sent under paragraph (2), and where the relevant person does so the following provisions of the 2001 Regulations apply—

- (a) regulation 31F(2) to (7), and
- (b) regulation 31FZA(1), which applies as if the reference to regulation 31D(2) were a reference to a notice under paragraph (2).

(4) Where—

- (a) the registration officer has delivered the notice under paragraph (2), and
- (b) the relevant person has not requested a hearing within 14 days beginning with the date of issue of the notice,

the registration officer may determine that the relevant person has ceased to satisfy the registration criteria and, if so, remove the relevant person's entry from the register.

Confirmation of ceased registration following non-response to communications

13.—(1) This regulation applies where a relevant person does not respond—

- (a) to a notification of possible removal, within the period of 14 days beginning with the date of issue of that notification, or
- (b) to a request for further information following a notification of possible removal, by the specified date in that request.

(2) Where this regulation applies—

- (a) the registration officer may determine that the relevant person has ceased to satisfy the registration criteria, and
- (b) if the registration officer does so, the registration officer must—
 - (i) send a notification to the relevant person's address, containing the information set out in paragraph (3), and
 - (ii) remove the relevant person's entry from the register.

(3) A notification under paragraph (2) must—

- (a) advise that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed,
- (b) state that the registration officer has determined that the relevant person does not satisfy those criteria, and the registration officer's reasoning for that determination,
- (c) state that there is no right of appeal against that determination,
- (d) state that the relevant person may apply to register again if they consider they are eligible to do so, and
- (e) be accompanied by an electoral registration application form under regulation 26(3) of the 2001 Regulations and by a pre-addressed reply envelope the postage of which has been pre-paid.

CHAPTER 3

Review of eligibility of relevant citizens of the Union to vote in a PCC election in Wales

Duty to determine whether relevant citizens of the Union continue to satisfy eligibility criteria

14.—(1) A registration officer appointed for an area in Wales must determine in accordance with this Chapter whether a relevant person continues to satisfy the eligibility criteria.

(2) Subject to paragraph (3), a registration officer must make the determination specified in paragraph (1) by the end of 31st January 2025.

(3) Paragraph (2) does not apply when at the end of 31st January 2025—

- (a) a registration officer has requested information from a relevant person under regulation 19(1), and the date for response specified in that request has not yet passed, or
- (b) the 14 day period within which the relevant person may request a review hearing, following notification from the registration officer pursuant to regulation 21(2), has not yet passed,
- (c) the relevant person has requested a hearing pursuant to regulation 21(2)(e), and
 - (i) the review has not been heard, or
 - (ii) the review has been heard but the subject of the review has not been notified of the outcome of the review,

and in consequence the registration officer has not made a determination.

(4) Where paragraph (3) applies, the registration officer must discharge the functions specified in paragraph (1) as soon as reasonably practicable after 31st January 2025.

Procedure for reviewing eligibility to vote in a PCC election – data-based review

15.—(1) A registration officer in Wales must conduct a review in respect of a relevant person, to determine whether that person continues to satisfy the eligibility criteria.

(2) As part of a review under paragraph (1), the registration officer may consider (amongst other things) any information provided in accordance with regulation 26(1)(fa) of the 2001 Regulations as part of an application received from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act.

Procedure for reviewing eligibility to vote in a PCC election – correspondence-based review

16.—(1) Subject to paragraph (2), where a registration officer is not satisfied following a review under regulation 15(1) that the relevant person continues to satisfy the eligibility criteria, the registration officer must—

- (a) give notice to that person containing information specified at paragraph (2) (a “first review notice”), and
- (b) enter the review in the list kept pursuant to regulation 31E of the 2001 Regulations.

(2) Where the relevant person is registered pursuant to an application for anonymous entry under section 9B of the 1983 Act and the date on which the relevant person’s entitlement to remain registered under section 9C of the 1983 Act expires is before the end of 31st January 2025, paragraph (1) is to be read as if for “must” there were substituted “may”.

(3) A first review notice must—

- (a) explain that the criteria under section 52 of the 2011 Act by which a citizen of a member State is eligible to vote in a PCC election have changed,
- (b) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
- (c) state that the registration officer is not certain that the relevant person remains eligible to vote in a PCC election, and the grounds for the registration officer’s opinion,
- (d) require that the relevant person provide such further information as specified in the notice relating to whether that person meets the eligibility criteria,
- (e) provide information on how the relevant person may respond to the request for information, and
- (f) state that it is an offence to provide false information to the registration officer, and the maximum penalty for that offence.

(4) Paragraph (5) applies where—

- (a) the registration officer sends to a relevant person a first review notice, and
- (b) that person does not respond within a reasonable time from the date on which that notice is sent.

(5) Where this paragraph applies, the registration officer must give a further notice to the relevant person, setting out the same information as at paragraph (2) (a “second review notice”).

(6) Subject to paragraph (7), a first or second review notice may be given to a relevant person either—

- (a) by sending it to the person’s address, or
- (b) by electronic means.

(7) Where the first review notice was given to a relevant person by electronic means, the second review notice must be sent to the person’s address.

(8) The registration officer may contact the relevant person, either by telephone or by visiting the address to which a first or second review notice was delivered, to—

- (a) obtain information requested in the notice, or
- (b) encourage the relevant person to provide the information requested.

Notification of possible ineligibility in the event of non-response

17.—(1) This regulation applies where—

- (a) the registration officer has given first and second review notices to a relevant person, and
- (b) the relevant person has not responded within a reasonable time from the date of the second review notice.

(2) Where this regulation applies, the registration officer must send a notice to a relevant person (a “notification of possible ineligibility”) which must—

- (a) include the information set out in regulation 16(3),
- (b) state the date of issue of the notice, and
- (c) state that if within 14 days beginning with the date of issue the registration officer has not received the information requested—
 - (i) the registration officer may determine that the person is no longer eligible to vote in a PCC election, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

(3) A notification of possible ineligibility must be delivered to the relevant person by paper communication to the person’s address, accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.

Requirement to attempt personal contact with relevant person

18.—(1) This regulation applies where—

- (a) a registration officer has issued a notification of possible ineligibility to a relevant person,
- (b) the relevant person is not registered pursuant to—
 - (i) a declaration of local connection under section 7B of the 1983 Act,
 - (ii) an application for anonymous entry under section 9B of the 1983 Act, or
 - (iii) a service declaration,
- (c) the relevant person is aged 16 or over,
- (d) the relevant person has not responded to the notification of possible ineligibility, and
- (e) the registration officer has not previously attempted to contact the relevant person by telephone or by visiting the address.

(2) Where this regulation applies, within 7 days beginning with the date of issue of a notification of possible ineligibility the registration officer must attempt to contact the relevant person either by telephone or by visiting the address, to—

- (a) obtain information requested in the notification, or

(b) encourage the relevant person to provide the information requested.

(3) Where this regulation applies, a registration officer must not determine that the relevant person has ceased to satisfy the eligibility criteria before the registration officer has attempted to contact the relevant person in accordance with paragraph (2).

(4) In this regulation, the “address” means the address to which the first or second review notice under regulation 16(1) or (5) was delivered.

Request for further information

19.—(1) The registration officer may request further information from a relevant person, including information that may be requested of an applicant for registration under regulation 26BA and 26BB of the 2001 Regulations(a), where—

- (a) the registration officer has sent a first or second review notice or notification of possible ineligibility to the relevant person, and
- (b) the relevant person has responded but the registration officer considers further information is necessary for the officer to be satisfied that the relevant person satisfies the eligibility criteria.

(2) A request for further information pursuant to paragraph (1) may be given to the relevant person by sending it to the person’s address, or by electronic means, and must—

- (a) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
- (b) state that if by a specified date that is a reasonable time after the request was issued the registration officer has not received the information requested—
 - (i) the registration officer may determine that the relevant person has ceased to satisfy the eligibility criteria, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

Confirmation of continued eligibility following review

20.—(1) Where, in accordance with this Chapter, a registration officer determines that the relevant person continues to satisfy the eligibility criteria, the registration officer must—

- (a) send a confirmation notice to that person in accordance with paragraph (2), and
- (b) mark the person’s name in accordance with regulation 42(3B) of the 2001 Regulations(b).

(2) A confirmation notice under paragraph (1) must—

- (a) be sent to the person’s address, or by electronic means,
- (b) state that eligibility criteria under section 52(1C) of the 2011 Act for a citizen of a member State to vote in PCC elections have changed,
- (c) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales, and
- (d) state that the registration officer has determined that the relevant person continues to satisfy those criteria.

Procedure for determination of ineligibility following response to communications

21.—(1) This regulation applies where—

(a) Regulation 26BA is inserted by regulation 34 of this instrument.
(b) Paragraph (3B) is inserted by regulation 35(b) of this instrument.

- (a) a relevant person has responded to a notice, notification or request under regulations 16 to 19 or has provided requested information in response to the registration officer making contact with that person, and
 - (b) the registration officer is not satisfied that the relevant person continues to satisfy the eligibility criteria.
- (2) The registration officer must send a notice to the relevant person’s address, which must—
- (a) state the date of issue of the notice,
 - (b) advise that eligibility criteria under section 52 of the 2011 Act for a citizen of a member State to vote in PCC elections have changed,
 - (c) state that the registration officer is of the opinion that the relevant person has ceased to satisfy the eligibility criteria, and the grounds for the registration officer’s opinion,
 - (d) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
 - (e) state that if the relevant person does not notify the registration officer within 14 days beginning with the date of issue that the relevant person requires the review to be heard—
 - (i) the registration officer may determine that the relevant person is not eligible to vote in a PCC election, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.
- (3) The relevant person is entitled to require the review to be heard by notifying the registration officer within 14 days beginning with the date of issue of the notice sent under paragraph (2), and where the relevant person does so the following provisions of the 2001 Regulations apply—
- (a) regulation 31F(2) to (7), and
 - (b) regulation 31FZA(1), which applies as if the reference to regulation 31D(2) were a reference to a notice under paragraph (2).
- (4) The registration officer may determine that the relevant person has ceased to satisfy the eligibility criteria where—
- (a) the registration officer has delivered the notice under paragraph (2), and
 - (b) the relevant person has not requested a hearing within 14 days beginning with the date of that notice.

Confirmation of ceased eligibility following non-response to communications

- 22.—**(1) This regulation applies where a relevant person does not respond—
- (a) to a notification of possible ineligibility within the period of 14 days beginning with the date of issue of that notification, or
 - (b) to a request for further information by the specified date in that request.
- (2) Where this regulation applies, the registration officer—
- (a) may determine that the relevant person has ceased to satisfy the eligibility criteria, and
 - (b) if the registration officer does so, must send a notification to the relevant person’s address, containing the information set out in paragraph (3).
- (3) A notification under paragraph (2) must—
- (a) advise that eligibility criteria under section 52 of the 2011 Act for a citizen of a member State to vote in PCC elections have changed,
 - (b) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
 - (c) state that the registration officer has determined that the relevant person does not satisfy those criteria, and the registration officer’s reasoning for that determination,
 - (d) state that there is no right of appeal against that determination.

Eligibility appeals

23. Paragraph 4 of Schedule A1 to the 2012 Order (eligibility appeals)(a) applies in respect of a determination under this Chapter that a relevant person has ceased to satisfy the eligibility criteria as it applies to such a determination under that Schedule.

CHAPTER 4

Supplementary provisions for Chapters 2 and 3

Applications to register during correspondence-based review

24.—(1) This regulation applies where a registration officer receives an application from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act —

- (a) following the sending of a first or second review notice, notification of possible removal or request for further information to that relevant person in accordance with Chapter 2, and
- (b) before the registration officer has—
 - (i) issued a notice pursuant to regulation 11(1) or 13(2), or
 - (ii) made a determination pursuant to regulation 12(4).

(2) This regulation also applies where a registration officer receives an application from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act—

- (a) following the sending of a first or second notice of review, notification of possible ineligibility, or request for further information to that relevant person in accordance with Chapter 3, and
- (b) before the registration officer has—
 - (i) issued a notice pursuant to regulation 20(1), or 22(2), or
 - (ii) made a determination pursuant to regulation 21(4).

(3) The registration officer must treat information provided within the application in relation to regulation 26(1)(fa) of the 2001 Regulations as a response to a review notice, notification of possible removal or ineligibility or request for information (as the case may be).

Information about operation of procedures for reviewing entitlement to registration

25.—(1) As soon as practicable after 31st January 2025, a registration officer in England must supply to the Electoral Commission the information required by paragraph (2).

(2) The information referred to in paragraph (1) must be contained in a document which must state the name of the area in respect of which the registration officer has been appointed, and must list the following in respect of that area—

- (a) the number of relevant persons reviewed pursuant to regulation 6,
- (b) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 11 following the review pursuant to regulation 6, and of those—
 - (i) the number of qualifying EU citizens(b), and
 - (ii) the number of EU citizens with retained rights(c),
- (c) the respective numbers of relevant persons who received—
 - (i) a first review notice pursuant to regulation 7(1),
 - (ii) a second review notice pursuant to regulation 7(5), or
 - (iii) a notification of possible removal pursuant to regulation 8(2),

(a) Schedule A1 is inserted by regulation 36(5) of this instrument.

(b) See section 203A of the Representation of the People Act 1983 (c. 2) for the meaning of “qualifying EU citizen”.

(c) See section 203B of the Representation of the People Act 1983 for the meaning of “EU citizens with retained rights”.

- (d) the number of relevant persons who received a request for further information pursuant to regulation 10,
- (e) the number of relevant persons treated as having responded to a first or second review notice, notification of possible removal, or request for further information by way of application to register, in accordance with regulation 24,
- (f) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 11 following a notice, notification or request under regulations 7 to 10,
- (g) the number of relevant persons to whom regulation 7(2) applies and whose eligibility to remain registered was determined by the registration officer in accordance with Chapter 2, and of those—
 - (i) the number of qualifying EU citizens, and
 - (ii) the number of EU citizens with retained rights,
- (h) the number of relevant persons to whom a notice was delivered pursuant to regulation 12(2),
- (i) the number of relevant persons who requested a review hearing pursuant to regulation 12(2)(d),
- (j) the number of relevant persons to whom a notification was delivered pursuant to regulation 13(2)(b)(i),
- (k) the number of relevant persons whose eligibility to remain registered was reviewed other than in accordance with these Regulations, between the coming into force of this regulation and the end of 31st January 2025, and
- (l) the number of persons registered as qualifying EU citizens or as EU citizens with retained rights as at the end of 31st January 2025.

Information about operation of procedures for reviewing eligibility to vote in PCC elections

26.—(1) As soon as practicable after 31st January 2025, a registration officer in Wales must supply to the Electoral Commission the information required by sub-paragraph (2).

(2) The information referred to in paragraph (1) must be contained in a document which must state the name of the area in respect of which the registration officer has been appointed, and must list the following in respect of that area—

- (a) the number of relevant persons reviewed pursuant to regulation 15(1),
- (b) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 20(1), following the review pursuant to regulation 15(1), and of those—
 - (i) the number of qualifying EU citizens, and
 - (ii) the number of EU citizens with retained rights,
- (c) the respective number of persons who, in the course of a correspondence-based review pursuant to these Regulations, received—
 - (i) first review notice pursuant to regulation 16(1),
 - (ii) second review notice pursuant to regulation 16(5), or
 - (iii) notification of possible ineligibility pursuant to regulation 17(2),
- (d) the number of relevant persons who received a request for further information pursuant to regulation 19(1),
- (e) the number of relevant persons treated as having responded to a first or second review notice, notification of possible ineligibility, or request for further information by way of application to register, in accordance with regulation 24,
- (f) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 20(1) following a notice, notification or request under regulations 16 to 19,

- (g) the number of relevant persons to whom regulation 7(2) applies and whose eligibility to remain registered was determined by the registration officer in accordance with Chapter 3, and of those—
 - (i) the number of qualifying EU citizens, and
 - (ii) the number of EU citizens with retained rights,
- (h) the number of relevant persons to whom a notice was delivered pursuant to regulation 21(1),
- (i) the number of relevant persons who requested a review hearing pursuant to regulation 21(2)(e),
- (j) the number of persons to whom a notification was delivered pursuant to regulation 22(2), and
- (k) the number of persons registered as qualifying EU citizens or as EU citizens with retained rights as at the end of 31st January 2025.

Electoral Commission requirements

27.—(1) The Electoral Commission must—

- (a) design communications and notices to be used by registration officers under—
 - (i) regulations 7(1)(a), 8(2), 11(1)(a), 12(2) and 13(2)(b)(i), and
 - (ii) regulations 16(1)(a), 17(2), 20(1)(a), 21(2), and 22(2),
- (b) obtain the approval of the Secretary of State to the communications and notices, and
- (c) having obtained that approval, make the communications and notices available to registration officers.

(2) Before giving approval in respect of the design of any communication or notice referred to in paragraph (1)(a)(ii), the Secretary of State must consult the Welsh Ministers.

PART 3

Additional provision related to the franchise change for EU citizens

Date for publication of revised registers for 2024

28.—(1) This regulation applies to the requirement under section 13(1)(a) of the 1983 Act for registration officers to publish, for 2024, revised versions of—

- (a) the registers maintained in respect of areas in England under section 9(1)(a) and (b) of the 1983 Act^(a);
- (b) the registers maintained in respect of areas in Wales under section 9(1)(a) of that Act.

(2) The date for the end of the period described in section 13(1) of the 1983 Act, being the period during which the revised registers must be published, is 1st February 2025.

Eligibility to vote in election to fill vacancy in office of commissioner: transitional provision

29.—(1) This paragraph applies in respect of a PCC election held in a police area in Wales under section 51 of the 2011 Act (election to fill vacancy in office of commissioner)^(b) for which notice of election pursuant to the PCC elections rules^(c) is published on or before the end of 31st January 2025.

(a) Section 9 was substituted by paragraph 3 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(b) Section 51 was amended by section 8(5) of the Wales Act 2017 (c. 4) and by paragraph 6(2) of Schedule 8 to the Elections Act 2022 (c. 37).

(c) See article 12(1) of and Schedule 3 to S.I. 2012/1917.

- (2) For the purposes of that election, article 2(1) of the 2012 Order applies as if—
- (a) in the definition of “register of electors”, for sub-paragraph (b)(ii) there were substituted—
 - “(ii) in the case of peers disqualified from voting as an elector at parliamentary elections and relevant citizens of the Union, qualifying EU citizens and EU citizens with retained rights(a) who will have attained the age of 18 on the date of the poll, the register of local government electors;”;
 - (b) after the definition of “registration officer” there were inserted—
 - ““relevant citizen of the Union” means a citizen of a member State—
 - (a) who is a relevant person for the purposes of Part 2 of the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023, and
 - (b) on the date on which notice of election is published, a review of eligibility under Chapter 3 of that Part has not been completed;”.

PART 4

Amendments relating to applications to register by qualifying EU citizens and EU citizens with retained rights

Amendment of the 2001 Regulations

30. The 2001 Regulations are amended in accordance with this Part.

Amendment of regulation 3 (interpretation)

31. In regulation 3 (interpretation), in paragraph (1)—
- (a) after the definition of “overseas elector” insert—
 - ““PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;”;
 - (b) after the definition of “relevant contact details” insert—
 - ““relevant EU applicant” means an applicant who is a citizen of a member State that is not listed in Schedule 6A to the 1983 Act(b), other than a citizen of Cyprus, Malta or the Republic of Ireland;”.

Amendment of regulation 26 (applications for registration)

32. In regulation 26 (applications for registration)—
- (a) in paragraph (1), after sub-paragraph (f), insert—
 - “(fa)in the case of a relevant EU applicant, an indication as to whether the applicant meets the requirements set out in section 203B of the 1983 Act(c);”;
 - (b) in paragraph (3), for sub-paragraphs (b) and (ba) substitute—
 - “(b) a statement that persons without lawful immigration status are ineligible to register to vote, that registration officers may request checks in relation to an applicant’s immigration status against Home Office records, and that, for persons applying to register as EU citizens with retained rights only, this may include checks in relation to historical immigration status;

(a) See section 102 of the Police Reform and Social Responsibility Act 2011 (c. 13) for the definitions of “qualifying EU citizen” and “EU citizen with retained rights”.
(b) Schedule 6A was inserted by paragraph 1(12) of Schedule 8 to the Elections Act 2022 (c. 37).
(c) Section 203B was inserted by paragraph 1(11) of Schedule 8 to the Elections Act 2022.

- (ba) a statement that the following are ineligible to register to vote as local government electors—
 - (i) in relation to registration in England, persons who are not Commonwealth citizens, citizens of the Republic of Ireland, qualifying EU citizens or EU citizen with retained rights, or
 - (ii) in relation to registration in Wales, persons who are not Commonwealth citizens, citizens of the Republic of Ireland, relevant citizens of the Union or qualifying foreign citizens;
- (bb) a statement that registration officers may require the applicant to provide additional information in relation to nationality, may carry out checks against Government records, and that, for persons applying to register as EU citizens with retained rights only, this may include checks in relation to historical nationality;
- (bc) a statement that, for applicants in Wales, the application requirement under paragraph (1)(fa) is relevant only in relation to eligibility to vote in PCC elections and not in relation to entitlement to register under section 4 of the 1983 Act;”.

Amendment of regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary)

33. In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), before paragraph (11) insert—

“(10A) In relation to the registration of local government electors in England, where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is a qualifying EU citizen or an EU citizen with retained rights, the registration officer may require that the applicant provide them with one or both of the following—

- (a) information enabling the registration officer to verify the applicant’s current or historical immigration status by electronic means, or
- (b) a letter or document issued by the Home Office which indicates the current or historical immigration status of the applicant.

(10B) Where a registration officer has requested additional evidence under paragraph (10A) to determine whether a relevant EU applicant is an EU citizen with retained rights and either—

- (a) the applicant is not able to provide the requested information, or
- (b) otherwise, the registration officer considers it appropriate,

the registration officer may request a statement of eligibility from the applicant.

(10C) A statement of eligibility under paragraph (10B) must be in writing and—

- (a) must include—
 - (i) the applicant’s full name, date of birth, and the address in respect of which the applicant applies to be registered,
 - (ii) the applicant’s full name as at IP completion day and, if different from the name provided under paragraph (i), an explanation for that difference,
 - (iii) confirmation that the applicant is aware that it is an offence to provide false information to the registration officer, and of the maximum penalty for that offence, and
 - (iv) the date on which it was made;
- (b) must, where required by the registration officer, also include any or all of the following—
 - (i) the date on which the applicant initially resided in the United Kingdom,
 - (ii) the nationality of the applicant as at IP completion day,

- (iii) the immigration status held by the applicant as at IP completion day,
 - (iv) the applicant’s current immigration status,
 - (v) details of any other forms of immigration status held by the applicant since IP completion day,
 - (vi) details of any addresses in the United Kingdom at which the applicant has resided since IP completion day, and
- (c) may include any other information or be accompanied by any documentary evidence relating to the applicant’s status as an EU citizen with retained rights.”.

New regulations 26BA (EU citizens: power to request additional evidence of immigration status or historical residency for purposes of determining eligibility to vote in a PCC election in Wales) and 26BB (EU citizens: power to request additional evidence as to change of name)

34. After regulation 26B insert—

“EU citizens: power to request additional evidence of immigration status or historical residency for purposes of determining eligibility to vote in a PCC election in Wales

26BA.—(1) Where a registration officer considers that additional evidence is necessary in order to determine whether a person who is a citizen of a member State and who makes an application under section 10ZC of the 1983 Act in Wales is eligible to vote in a PCC election, the registration officer may require that person to provide the registration officer with one or both of the following—

- (a) information enabling the registration officer to verify the person’s current or historical immigration status by electronic means;
- (b) a letter or document issued by the Home Office which indicates the current or historical immigration status of the person.

(2) Paragraphs (10B) and (10C) of regulation 26B apply following a request under paragraph (1) as they apply following a request under paragraph (10A) of that regulation.

EU citizens: power to request additional evidence as to change of name

26BB.—(1) Paragraph (2) applies where—

- (a) a person has made an application under section 10ZC of the 1983 Act to register as a local government elector, and
- (b) the applicant’s name on an electronic certificate or document provided in accordance with regulation 26B(10A) to (10C) or 26BA is different from the name provided in accordance with regulation 26(1)(a).

(2) Where this paragraph applies, the registration officer may require the applicant to provide—

- (a) an explanation as to the difference in name, and
- (b) such other evidence as the officer considers appropriate that confirms the change of the applicant’s name.”.

Amendment of regulation 42 (marking of names)

35. In regulation 42 (marking of names)—

- (a) in paragraph (3)—
 - (i) for “To” substitute “Subject to paragraph (3B), to”;
 - (ii) after “electors” insert “in Wales”;
- (b) after paragraph (3A), insert—

“(3B) To indicate that a relevant citizen of the Union who is registered only in the register of local government electors in Wales is also a qualifying EU citizen or an EU citizen with retained rights, the letter “B” shall be placed against the person’s entry.

(3C) To indicate that a qualifying EU citizen or an EU citizen with retained rights is registered only in the register of local government electors in England, the letter “B” shall be placed against the person’s entry.”.

PART 5

Amendments relating to Police and Crime Commissioner elections

Amendment of the 2012 Order

36.—(1) The 2012 Order is amended as follows.

(2) In article 2 (interpretation), in the definition of “register of electors”, in sub-paragraph (b), for “relevant citizens of the Union” substitute “qualifying EU citizens and EU citizens with retained rights”.

(3) Before article 4 (effect of register of electors) insert—

“Procedure for reviewing voter eligibility in PCC election in Wales

3A. Schedule A1 (procedure for reviewing voter eligibility to vote in PCC elections in Wales) has effect in relation to PCC elections in Wales.”.

(4) In article 4 for paragraph (4)(b)(iii) substitute—

“(iii) a qualifying EU citizen or an EU citizen with retained rights;”.

(5) Before Schedule 1 (supply of register) insert the new Schedule A1 as set out in Schedule 1 to these Regulations.

(6) In Schedule 2 (absent voting in PCC elections), in Part 4 (forms referred to in Parts 1 to 3 of this Schedule), for form 1 (proxy paper at particular PCC election) substitute the corresponding form in Schedule 2 to these Regulations.

Amendment of the Police and Crime Commissioner (Welsh Forms) Order 2021

37. In Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 (Welsh and English versions of prescribed forms)(a), for form 1 (proxy paper) substitute the corresponding form in Schedule 3 to these Regulations.

PART 6

Amendments relating to business referendums

Amendment of the Neighbourhood Planning (Referendums) Regulations 2012

38.—(1) Schedule 6 to the Neighbourhood Planning (Referendums) is amended as follows.

(2) In paragraph 1 (interpretation)—

(a) omit the definitions of “citizen of the European Union” and “qualifying Commonwealth citizen”;

(b) for the definition of “qualifying citizen” substitute—

““qualifying citizen” means a person who is—

(a) S.I. 2021/291, amended by S.I. 2022/1382.

- (a) a qualifying Commonwealth citizen within the meaning given by section 4 of the 1983 Act,
- (b) a citizen of the Republic of Ireland,
- (c) a qualifying EU citizen within the meaning given by section 203A of the 1983 Act, or
- (d) an EU citizen with retained rights within the meaning given by section 203B of the 1983 Act;”.

(3) In Part 11 (appendix of forms), for form A (non-domestic rate-payer registration form) and form B (voting choices form) substitute the corresponding forms in Schedule 4 to these Regulations.

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

Name
Parliamentary Under Secretary of State

[Date] Department for Levelling Up, Housing and Communities

SCHEDULE 1

Regulation 36(5)

Police and Crime Commissioner Elections Order 2012: New Schedule A1

“SCHEDULE A1

Article 3A

Procedure for reviewing voter eligibility in PCC election in Wales

Interpretation

1. In this Schedule—

“eligibility criteria” means the criteria for eligibility to vote in a PCC election set out in section 52(1C) of the 2011 Act;

“relevant person” means a person who is registered in a register of local government electors in Wales with a letter “B” against their entry.

Procedure for reviewing eligibility of relevant persons to vote in PCC elections in Wales

2.—(1) A registration officer in Wales must determine whether a relevant person has ceased to satisfy the eligibility criteria in accordance with this paragraph if the officer receives information that causes the officer to suspect that the relevant person does not satisfy the eligibility criteria.

(2) The registration officer must conduct a review in respect of the relevant person, and where the registration officer is not satisfied that the relevant person meets the eligibility criteria, the registration officer must—

(a) send a notice to that person—

- (i) stating the date of issue of the notice,
- (ii) stating that the registration officer is not satisfied that the relevant person is eligible to vote in a PCC election, and the grounds for his opinion,
- (iii) stating that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales, and

- (iv) requiring the relevant person to provide such further information as may be requested of an applicant for registration under regulation 26BA of the 2001 Regulations, and
- (b) enter the review in the list kept pursuant to regulation 31E of the 2001 Regulations.
- (3) Sub-paragraph (4) applies where—
 - (a) the registration officer sends to a relevant person a notice in the form specified in sub-paragraph (2), and
 - (b) that person does not respond to the registration officer’s satisfaction, or at all, within the period of 28 days beginning with the date of issue of that notice.
- (4) The registration officer must send a further notice to the relevant person which states—
 - (a) the date of issue of the notice,
 - (b) that the registration officer is not satisfied that the relevant person is or was eligible to vote in a PCC election, and the grounds for the registration officer’s opinion,
 - (b) that if within 14 days beginning with the date of issue of the notice, the relevant person does not require the review to be heard—
 - (i) the registration officer may determine that the relevant person is not eligible to vote in a PCC election, and
 - (ii) if so, the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances, and
 - (d) that after 14 days beginning with the date of issue of the notice, the relevant person can contact the registration officer to find out if the registration officer has determined the relevant person’s eligibility to vote in a PCC election.
- (5) Where—
 - (a) the registration officer sends to a relevant person a further notice pursuant to sub-paragraph (4), and
 - (b) the relevant person does not, within the period of 14 days beginning with the date of issue of that notice, notify the registration officer that the relevant person requires the review to be heard,

the registration officer may determine, without a hearing, that the relevant person does not or has ceased to satisfy the eligibility criteria and, if so, must update the person’s register entry in accordance with regulation 42 of the 2001 Regulations.

Hearings of reviews

3.—(1) The relevant person is entitled to require the review to be heard by notifying the registration officer within 14 days beginning with the date of issue of the notice sent under paragraph 2(4), and where the relevant person does so regulation 31F(2) to (7) and 31FZA(1) of the 2001 Regulations apply to that requirement as they apply to a requirement in respect to a review under regulation 31D of the 2001 Regulations, subject to the following modifications.

(2) Regulation 31F(6) applies as if, for the words from “was not entitled” to “1983 Act” there were substituted “does not or has ceased to satisfy the eligibility criteria”.

(3) Regulation 31FZA(1) applies as if—

- (a) the reference to regulation 31D(2) were a reference to paragraph 2(4) of this Schedule;

- (b) in sub-paragraph (a), the reference to section 56(1)(azd) or (aa) of the 1983 Act(a) were a reference to paragraph 4 of this Schedule.

Eligibility appeals

4.—(1) Subject to sub-paragraph (2), an appeal lies to the County Court from a determination by a registration officer under this Schedule that a person does not meet the eligibility criteria.

(2) An appeal does not lie where the person desiring to appeal has not availed themselves of an opportunity in this Schedule to be heard by or make representations to the registration officer as to their eligibility or has not given notice of appeal within the time prescribed in sub-paragraph (3)(a).

(3) A person desiring to appeal must—

- (a) give notice of appeal to the registration officer when the determination is made, or within 14 days thereafter, and
- (b) specify the grounds of appeal.

(4) The registration officer must forward any such notice to the appropriate county court in accordance with rules of court together with—

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

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

(a) Section 56(1)(azd) was inserted, and section 56(1)(aa) was substituted, by paragraph 18 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

SCHEDULE 2

Regulation 36(6)

Police and Crime Commissioner Elections Order 2012: New Form

Form 1: Proxy form

Proxy paper at particular PCC election

Police area.....

Voting area.....

Name of Proxy.....

Address.....

Is appointed as proxy for.....

(Name of elector).....

who is qualified to be registered for

(Qualifying address)

to vote for him/her at

The Police and Crime Commissioner election for the above [police area] on
(date).

Signature

.....

Electoral Registration Officer.....

Address.....

Date.....

This proxy paper gives you the right to vote as proxy, at a Police and Crime
Commissioner election only, on behalf of the elector whose name is given
above.

Your appointment as proxy is for the Police and Crime Commissioner election
on a particular day. You have the right to vote only at the election specified in
the proxy paper.

When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she has consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other qualifying Commonwealth citizen, a citizen of the republic of Ireland or an EU citizen with retained rights or qualifying EU citizen, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him or her to cancel the appointment.

You may vote as proxy at the polling station to which the elector on whose behalf you are appointed is allotted. However, you may not vote as proxy -

- at a Police and Crime Commissioner election in the same police area;

Or

- in any other case, at the same election,
- on behalf of more than four electors, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not a service elector).

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 it will be helpful to do so. You will need to show one of the accepted forms of photographic identification and these will be listed on the poll card. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.

If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post.

You may vote by post at a Police and Crime Commissioner election or for all elections on a particular day. But the electoral registration officer cannot allow an application to vote by post at a Police and Crime Commissioner election on a particular day if he or she receives it after 5pm on the eleventh working day before the poll.

SCHEDULE 3

Regulation 37

Police and Crime Commissioner Elections (Welsh Forms) Order 2021: New Form

Form 1: Proxy form

Proxy paper at particular PCC election
Papur pleidleisio drwy ddirprwy mewn etholiad penodol ar gyfer Comisiynydd
yr Heddlu a Throseddau

Police area
Ardal yr heddlu

Voting area
Ardal bleidleisio

Name of Proxy
Enw'r Dirprwy

Address
Cyfeiriad

Is appointed as proxy for
Penodir yr uchod fel dirprwy i

(Name of elector)
(Enw'r etholwr)

who is qualified to be registered for
sy'n gymwys i gael ei gofrestru/ei chofrestru yn

(Qualifying address)
(Cyfeiriad cymhwys)

to vote for him/her at
i bleidleisio drosto ef/drosti hi yn

The Police and Crime Commissioner election for the above [police area] on
(date).

Yr Etholiad ar gyfer Comisiynydd yr Heddlu a Throseddau ar gyfer yr uchod [ardal
yr heddlu] ar (dyddiad).

Signature
Llofnod

.....
Electoral Registration Officer
Swyddog Cofrestru Etholiadol

Address
Cyfeiriad

Date
Dyddiad

This proxy paper gives you the right to vote as proxy, at a Police and Crime Commissioner election only, on behalf of the elector whose name is given above.

Mae'r papur pleidleisio drwy ddirprwy hwn yn rhoi'r hawl i chi bleidleisio fel dirprwy, mewn etholiad ar gyfer Comisiynydd yr Heddlu a Throseddau yn unig, ar ran yr etholwr a enwir uchod.

Your appointment as proxy is for the Police and Crime Commissioner election on a particular day. You have the right to vote only at the election specified in the proxy paper.

Fe'ch penodir yn ddirprwy ar gyfer etholiad ar gyfer Comisiynydd yr Heddlu a Throseddau ar ddiwrnod penodol. Dim ond yn yr etholiad a nodir ar y papur pleidleisio drwy ddirprwy y mae gennych yr hawl i bleidleisio.

When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she has consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other qualifying Commonwealth citizen, a citizen of the republic of Ireland or an EU citizen with retained rights or Qualifying EU citizen, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him or her to cancel the appointment.

Pan wnaeth yr etholwr gais i chi gael eich penodi'n ddirprwy, gofynnwyd NAILL. Al iddo ef neu iddi hi nodi ei fod/ei bod wedi ymgynghori â chi a'ch bod yn gallu cael eich penodi'n ddirprwy ac yn fodlon cael eich penodi NEU eich bod wedi llofnodi datganiad yn nodi eich bod yn gallu cael eich penodi ac yn fodlon cael eich penodi. Gallwch gael eich penodi'n ddirprwy os ydych yn 18 oed o leiaf ar y diwrnod pleidleisio, yn ddinesydd Prydeinig neu'n ddinesydd cymwys o'r Gymanwlad, yn ddinesydd Gweriniaeth Iwerddon neu'n ddinesydd o'r UE sydd â hawliau a ddargedwir neu'n ddinesydd cymwys o'r UE, ac nad ydych wedi'ch anghymhwyso rhag pleidleisio am unrhyw reswm. Os na allwch gael eich penodi'n ddirprwy neu os nad ydych yn fodlon cael eich penodi'n ddirprwy am unrhyw reswm, ysgrifennwch at yr etholwr yn gofyn iddo/iddi ganslo'r penodiad.

You may vote as proxy at the polling station to which the elector on whose behalf you are appointed is allotted. However, you may not vote as proxy-
Gallwch bleidleisio fel dirprwy yn yr orsaf bleidleisio a bennir ar gyfer yr etholwr rydych wedi cael eich penodi i bleidleisio ar ei ran/rhan. Fodd bynnag, ni allwch bleidleisio fel dirprwy-

- at a Police and Crime Commissioner election in the same police area;
- mewn etholiad ar gyfer Comisiynydd yr Heddlu a Throseddau yn yr un ardal heddlu;

Or / Neu

- in any other case, at the same election,

- mewn unrhyw achos arall, yn yr un etholiad,
- on behalf of more than four electors, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not a service elector).
- ar ran mwy na phedwar etholwr, na all mwy na dau ohonynt fod ar ran etholwyr domestig eraill (etholwr domestig yw un nad yw'n etholwr sy'n gwasanaethu yn y lluoedd arfog).

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 it will be helpful to do so. You will need to show one of the accepted forms of photographic identification and these will be listed on the poll card. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.

Ychydig cyn y diwrnod pleidleisio, anfonir cerdyn pleidleisio dirprwy atoch yn dweud wrthych ble mae'r orsaf bleidleisio. Nid oes angen i chi fynd â'ch cerdyn pleidleisio na'r papur pleidleisio drwy ddirprwy hwn gyda chi i'r orsaf bleidleisio ond bydd yn ddefnyddiol i chi wneud hynny. Bydd angen i chi ddangos un o'r mathau o brawf adnabod ffotograffig â llun a dderbynnir a rhestrir y rhain ar y cerdyn pleidleisio. Cofiwch y gall yr etholwr bleidleisio'n bersonol o hyd. Os bydd ef neu hi yn gwneud cais am bapur pleidleisio yn yr orsaf bleidleisio cyn i chi wneud, ni fyddwch yn gallu pleidleisio fel dirprwy ar ei ran/rhan.

If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post.

Os na allwch bleidleisio'n bersonol yn yr orsaf bleidleisio, efallai y gall y swyddog cofrestru etholiadol ganiatáu i chi bleidleisio fel dirprwy drwy'r post.

You may vote by post at a Police and Crime Commissioner election or for all elections on a particular day. But the electoral registration officer cannot allow an application to vote by post at a Police and Crime Commissioner election on a particular day if he or she receives it after 5pm on the eleventh working day before the poll.

Gallwch bleidleisio drwy'r post mewn etholiad ar gyfer Comisiynydd yr Heddlu a Throseddu neu ar gyfer pob etholiad ar ddiwrnod penodol. Ond ni all y swyddog cofrestru etholiadol ganiatáu cais i bleidleisio drwy'r post mewn etholiad ar gyfer Comisiynydd yr Heddlu a Throseddu ar ddiwrnod penodol os bydd yn derbyn y cais hwnnw ar ôl 5pm ar yr unfed diwrnod gwaith ar ddeg cyn yr etholiad.

SCHEDULE 4

Regulation 38(3)

Neighbourhood Planning (Referendums) Regulations 2012: New Forms

Form A: non-domestic rate-payer registration form

FORM	Non-domestic rate-payer registration form
A	Your right to vote X

<p>This form must be completed and returned by or on behalf of the non-domestic rate-payer. Please write in black ink and use BLOCK LETTERS. When you have completed every section and signed the form yourself, send it to Electoral Services.</p>	<p>Space left blank for electoral services information</p>
--	--

Please complete and return this form as soon as possible - we recommend by [25 day deadline]. If any details change after you have submitted this form, you should contact Electoral Services. All forms must be [11 day deadline].

1.
You must complete and return this form if you wish to register your business or organisation to vote in the neighbourhood planning referendum.

Surname:	First name and middle name(s):
Name of business/ organisation:	
Role/ job title (optional):	
Daytime telephone number (optional):	
Email address (optional):	

2. Who can vote?

To cast the vote at the referendum the named voter must be at least 18 years of age on the day of the referendum, and they must be one of the following:

- a British or Irish citizen, or
- a qualifying EU citizen, or an EU citizen with retained rights (as defined in sections 203A and 203B of the Representation of the People Act 1983), or
- a Commonwealth citizen who has leave to enter or remain in the UK or does not require such leave

The person casting the vote (the 'named voter') must choose how they want to vote by completing and returning Form B. If that is someone else, please pass Form B to them to complete. The last opportunity to change the named voter is [5pm, 11 day deadline]. After that time, changes are only permitted because the named voter becomes unable to vote for emergency medical or work reasons. Please tick and complete as appropriate:

I am the named voter and will complete Form B
 OR
 I am not the named voter. I authorise:

**to be the named voter
and have asked them to complete Form B**

3. Sign here before returning this form

Please check the list of properties at section 4 on the reverse of the form. If you think any of the properties have been wrongly assigned to you or your business / organisation please delete as appropriate.

It is an offence to give false information on this form. I declare that I am the rate-payer, or I am authorised to complete this form on behalf of the rate-payer, and as far as I know the details on this form are true and accurate.

--	--

Form B must also be completed and returned

Please turn over for more information and for section 4

Neighbourhood Area Business Registration Officer

4. List of properties

The Business Registration officer has identified the rate payer as: [name of rate payer or rate payers]. Rate-payers may only register to vote once in the referendum regardless of the number of properties for which they are liable to pay rates. Rate-payers may only register if they are liable to pay rates on at least one property within the referendum area.

Please check the list of properties below. If you think any of the properties have been wrong assigned to you or your business/ organisation please delete as appropriate. If you think any properties have been missed, please contact electoral services.

[Business Registration Officer to list details and addresses of properties here]

The referendum register and its uses

A register is created of all the non-domestic rate-payers who register to vote in this neighbourhood planning referendum, for the purposes of this referendum only. It lists the names of all the non-domestic rate-payers registered to vote and the addresses of the premises within the referendum area on which they pay non-domestic rates. It also contains the names of the individuals who will cast the vote on behalf of each non-domestic rate-payer (the 'named voters').

The Council holds a copy for the purposes of the referendum only. Anyone can look at it, but it is a criminal offence to supply or use copies for purposes other than those set down in law.

The register is kept for 12 months after the referendum and is then destroyed.

Form B must also be completed and returned

Printed & Published by the Neighbourhood Area Business Registration Officer

Form B: voting choices form

FORM B Voting Choices Form

This form must be completed and returned by the NAMED VOTER who will cast the non-domestic rate payer's vote. Please write in black ink and use **BLOCK LETTERS**. When you have completed every section and signed the form yourself, send it to Electoral Services.

Space left blank for electoral services information

Please complete and return this form as soon as possible - we recommend by [25 day deadline]. If any details change, or you become unable to vote on behalf of the rate-payer, you should contact Electoral Services. All forms must be received by 5pm on [11 day deadline].

1. How I will vote?

Please read the instructions over the page. At the referendum you as the named voter may vote either in person at a polling station between 7am and 10pm, or by post. If voting in person you must be available to attend a polling station in the referendum area on the day of the referendum. Please tick **ONE** of the following options:

<input type="checkbox"/> I would like to vote in person.	OR	<input type="checkbox"/> I would like to vote by post
--	-----------	---

2. About you

Surname:
First name and middle name(s):
Nationality:
My address (for my postal vote or my poll card if voting at a polling station):
Postcode:
Name of business/organisation:
Role/job title (optional):
Daytime telephone number (optional):
Email address (optional):

3. Your date of birth and declaration

Declaration: As far as I know, the details on this form are true and accurate. I understand that to provide false information on this form is an offence. I am eligible and authorised to vote at the referendum (see reverse for more details).

My date of birth is: (use numbers: DD MM YYYY)

DAY		MONTH		YEAR					

If you are unable to sign the form, please contact Electoral Services.

4. Date form completed

Today's date

DAY		MONTH		YEAR					

Signature: (keep inside the box)

Please turn over for more information
Neighbourhood Area Business Registration Officer

Information about voting in the referendum

Voting in the Referendum

There will be a Neighbourhood Planning Referendum on [day/date]. Non-domestic rate payers, who pay rates within the Referendum Area may register to vote in the referendum. The person who has been authorised by the rate-payer to cast the vote on their behalf (the 'named voter') must complete **Form B** over the page.

Am I eligible to cast the rate-payer's vote?

The person authorised by the non-domestic rate-payer may vote on their behalf. This includes the rate-payer themselves. The person who will cast the vote must meet the following criteria:

Age

The voter must be 18 or older on [date of referendum].

Nationality

People who are entitled to cast the rate payer's vote are:

- a British or Irish citizen, or
- a qualifying EU citizen, or an EU citizen with retained rights (as defined in sections 203A and 203B of the Representation of the People Act 1983), or
- a Commonwealth citizen who has leave to enter or remain in the UK or does not require such leave

If you are unsure about your eligibility to vote, contact Electoral Services (details over the page)

What happens next?

If you have chosen to vote by post, you will be sent your ballot paper in the post. Remember, your ballot paper may not be sent out until four working days before the day of the referendum. If your ballot paper does not arrive by this time, contact Electoral Services. **The signature and date of birth you give on this form will be kept and checked against those you will provide on your postal voting statement.** This will be sent to you with your ballot paper along with instructions for completing it.

If you have chosen to vote in person, you will be sent a poll card with details of your polling station. You still need to provide your signature and date of birth on this form but will not need to do so again when voting.

If you become unable to vote the rate-payer must inform electoral services by 5pm [11 day deadline].

After that time, changes are only permitted if you become unable to vote for emergency medical or work reasons.

What will my details be used for?

The names of voters in the referendum will appear on the non-domestic rate-payers' referendum register. The Council holds a copy for the purposes of the referendum only. Anyone can look at it, but it is a criminal offence to supply or use copies for purposes other than those set down in law. The register is kept for 12 months after the referendum and is then destroyed.

Further information

(Business Registration Officer to decide information for inclusion below this point)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision related to the change in franchise for citizens of the European Union for local government elections in England, and for Police and Crime Commissioner (“PCC”) elections in England and Wales.

Part 2 provides, at Chapter 2, a process for the review of the entitlement of citizens of member States of the European Union to remain registered on the register of local government electors in England following the change in registration criteria in section 4 of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”). Chapter 3 of that Part provides a similar process for the review of the eligibility of registered citizens of member States of the European Union to vote in PCC elections in Wales following the change in eligibility criteria in section 52(1C) of the Police Reform and Social Responsibility Act 2011 (c. 13).

Chapter 4 of Part 2 also provides for registration officers to supply anonymised information to the Electoral Commission on steps taken in each of the review processes, which (with limited exceptions) is to be concluded by the end of 31st January 2025. Regulation 28 requires the Electoral Commission to create designs of some of the communications and notices to be used by registration officers in these review processes.

Part 3 provides for a revised date for the end of which revised versions of certain electoral registers for 2024 must be published by electoral registration officers under section 13 of the 1983 Act. Part 3 also contains transitional provisions relating to PCC elections conducted prior to the end of the review process under Chapter 3 of Part 2.

Part 4 makes amendments to the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as to the content of applications for registration on the register of local government electors in England and Wales, due to the changes to registration entitlement and PCC election voting eligibility. The amendments also give a power to registration officers to seek further evidence from applicants where necessary to determine eligibility to vote in PCC elections in Wales.

Part 5 makes amendments to the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) (“the 2012 Order”) and the Police and Crime Commissioner (Welsh Forms) Order 2021 (S.I. 2021/291). Amendments to the 2012 Order in relation to England reflect the change in franchise of citizens of the European Union to register on the register of local government electors, and to act as proxies in PCC elections; and amendments in relation to Wales introduce a procedure to review from time to time the eligibility of registered EU citizens to vote in PCC elections in Wales.

Part 6 makes amendments to the Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031) in relation to business referendums, to reflect the revised eligibility of citizens of the European Union to vote on behalf of a business at such a business referendum.

A full impact assessment of the effect that this instrument will have on the costs of businesses, the voluntary sector and the public sector is available from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF and published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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