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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023**

**PART 3**

Provisions related to the franchise change for EU citizens

**Amendment of Part 3 of the Representation of the People (England and Wales) Regulations 2001**

**15.**—(1) Part 3 of the Representation of the People (England and Wales) Regulations 2001 (registration) is amended as follows.

(2) In regulation 24A (evidence as to age and nationality: registration of parliamentary electors and local government electors in England) (as inserted by regulation 5(3)), in paragraph (2)(d)(ii) for “or a relevant citizen of the Union” substitute “a qualifying EU citizen or an EU citizen with retained rights”(1).

(3) In regulation 26 (applications for registration), in paragraph (5)(za) (as inserted by regulation 5(7)(c)(i)) after “(3)(ba)” insert “to (bc)”.

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

**16.**—(1) The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023 are amended as follows.

(2) In regulation 3 (interpretation)—

(a) after the definition of “eligibility criteria” insert—

““notice of alteration” means a notice under section 13A(2), 13AB(2), 13B(3), (3B) or (3D) or 13BC(3) or (6) of the 1983 Act;”;

(b) in the definition of “relevant person”, in paragraph (b)(i)(aa), after “England” insert “or Wales”.

(3) In regulation 11 (confirmation of continued registration following review), after paragraph (2) insert—

“(3) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (1).”.

(4) In regulation 12 (procedure for removal following response to communications), after paragraph (4) insert—

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(1) See sections 203A and 203B of the Representation of the People Act 1983 (c. 2) respectively for the meaning of “qualifying EU citizen” and “EU citizen with retained rights”.

“(5) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (4).”.

(5) In regulation 13 (confirmation of ceased registration following non-response to communications), after paragraph (3) insert—

“(4) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (2)(a).”.

(6) In regulation 20 (confirmation of continued eligibility following review), after paragraph (2) insert—

“(3) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (1).”.

(7) In regulation 26 (information about operation of procedures for reviewing eligibility to vote in PCC elections), in paragraph (2), in sub-paragraph (g) for “regulation 7(2)” substitute “regulation 16(2)”.

### **Transitional provision for certain elections countermanded or abandoned etc. and re-run on or after 7th May 2024**

17.—(1) This regulation applies where—

- (a) the date of poll for a relevant election is on or before 6th May 2024,
- (b) an election is ordered to be held under section 39 of the Representation of the People Act 1983 (local elections void etc in England and Wales)(2) (“the re-run election”) as a result of the election referred to in sub-paragraph (a) having not been duly held, or having failed, or having become void, and
- (c) the date of poll for the re-run election is on or after 7th May 2024.

(2) In paragraph (1) “relevant election” means—

- (a) a local government election within the meaning of section 203(1) of the Representation of the People Act 1983(3);
- (b) a mayoral election within the meaning of regulation 2 of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(4);
- (c) a combined authority mayoral election within the meaning of regulation 2 of the Combined Authorities (Mayoral Elections) Order 2017(5).

(3) For the purposes of the re-run election—

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(2) Section 39 was amended by section 19 of, and paragraph 8 of Schedule 4 to, the Representation of the People Act 1985 (c. 50), by Part 1 of Schedule 9 and Schedule 17 to the Local Government Act 1985 (c. 51), by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40) by paragraph 68(11) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 6 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and by section 2(7) of the Local Government and Elections (Wales) Act 2021 (asc 1).

(3) The definition of “local government election” was amended by paragraph 39(4) of Schedule 3 to the Greater London Authority Act 1999.

(4) S.I. 2007/1024; relevant amending instruments are S.I. 2011/1043, 2019/351, 2022/769. See regulation 3(2) to (4) of, and Table 1 in Schedule 2 to, S.I. 2007/1024, the effect of which is that section 39 applies with modifications to mayoral elections.

(5) S.I. 2017/67; relevant amending instruments are S.I. 2019/350, 2022/769. See article 3(2) to (4) of, and paragraph 1(7) of Schedule 2 to, S.I. 2017/67, the effect of which is that section 39 applies with modifications to combined authority mayoral elections.

- (a) the amendments made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022 are to be disregarded when determining a candidate’s qualifications for election to and holding the office to which the re-run election relates;
  - (b) the appropriate prescribed candidate consent to nomination form applies as if, in the paragraph on the front of the form that begins “I declare that on the day of my nomination”, for “, a qualifying EU citizen, or an EU citizen with retained rights” there were substituted “or a citizen of a member State of the European Union”.
- (4) In paragraph (3) “the appropriate prescribed candidate consent to nomination form” means (as the case may be)—
- (a) the Form of Candidate’s Consent to Nomination in Part 7 of Schedule 2 or 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006(6),
  - (b) the Form of Candidate’s Consent to Nomination in Part 7 of Schedule 2 or 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(7),
  - (c) Form 4 (candidates consent to nomination) in Schedule 10 to the Greater London Authority Elections Rules 2007(8),
  - (d) Form 2A (candidate’s consent to nomination for use at mayoral elections in England) in the Appendix of Forms in Schedule 1 or 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007, or
  - (e) Form 2 (candidate’s consent to nomination) in Part 9 of Schedule 1 or 3 to the Combined Authorities (Mayoral Elections) Order 2017.

**Transitional provision for persons elected following a re-run election**

**18.**—(1) This regulation applies where—

- (a) a person (“P”) is duly elected at a re-run election described in regulation 17(1), and
- (b) apart from this regulation, P would be disqualified from holding the office to which P has been elected as a result of the amendments made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022.

(2) The amendments made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022 do not affect P’s qualification to hold that office until the end of the term in that office which begins upon, or from a date determined by reference to, the date on which P was duly elected at the re-run election.

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(6) S.I. 2006/3304; relevant amending instruments are S.I. 2018/308, 2022/600.

(7) S.I. 2006/3305; relevant amending instruments are S.I. 2018/1309, 2022/600.

(8) S.I. 2007/3541; relevant amending instruments are S.I. 2016/24, 2019/1426, 2022/600.