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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 2**

Overseas electors

**CHAPTER 1**

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

**Amendment of Part 3 (registration)**

**5.**—(1) Part 3 (registration) is amended as follows.

(2) In regulation 24 (evidence as to age and nationality)—

(a) in the heading, at the end insert “: registration of local government electors in Wales”;

(b) before paragraph (1) insert—

“(A1) This regulation applies for the purposes of the registration of local government electors in Wales.”;

(c) in paragraph (2)—

(i) omit sub-paragraph (c);

(ii) in sub-paragraph (d)(ii), omit the words from “(for the purposes only” to “in Wales)”.

(3) After regulation 24 insert—

**“Evidence as to age and nationality: registration of parliamentary electors and local government electors in England**

**24A.**—(1) Subject to paragraph (2), where a registration officer has doubts about a person’s (“P’s”) age or nationality, the officer may require P to produce such evidence as specified in paragraph (3) for the purposes of registration as a parliamentary elector or as a local government elector in England.

(2) Paragraph (1) does not apply where an application for registration is made in pursuance of a service declaration.

(3) The evidence which the registration officer may require is—

(a) a birth certificate;

(b) a certificate of naturalisation;

(c) where P has made an overseas elector’s declaration, further evidence of P’s status as a British citizen, including a document showing that P has become a British citizen by virtue of registration;

(d) in any other case—

- (i) a document showing that P has become a Commonwealth citizen by virtue of registration, or
- (ii) a statutory declaration that P is a qualifying Commonwealth citizen, citizen of the Republic of Ireland, or a relevant citizen of the Union.

(4) Where P has made an overseas elector’s declaration, the registration officer may require a copy of a document referred to in paragraph (3)(a) to (c).

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

(6) Subject to paragraph (7), any such declaration must be made available for inspection at the registration officer’s office until the determination of the application for registration and of any objections duly made to it.

(7) Paragraph (6) does not apply where the declarant has, or has applied for, an anonymous entry.

(8) In this regulation “qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act(1).”.

(4) In regulation 25 (reminders to electors registered pursuant to a declaration)—

(a) in the heading, for “declaration” substitute “service declaration or declaration of local connection”;

(b) in paragraph (1)—

(i) after sub-paragraph (a) insert “or”;

(ii) omit sub-paragraph (c) and the “and” immediately preceding it.

(5) After regulation 25 insert—

**“Reminders to overseas electors who have an anonymous entry**

**25ZA.**—(1) This regulation applies to each person who—

(a) is registered in pursuance of an overseas elector’s declaration, and

(b) has an anonymous entry.

(2) Subject to paragraph (3), the registration officer must, during the reminder period, send to a person to whom this regulation applies (“P”) a reminder that—

(a) P’s entitlement to registration will terminate on the determined date, and

(b) if P wishes to remain—

(i) entered in the register anonymously after that date, P must make a fresh application under section 9B(1)(b) of the 1983 Act(2) for an anonymous entry;

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(1) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2) and was amended by paragraph 3 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by section 14(1)(a)(i) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by section 1(3) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6), by section 8 of the Scottish Elections (Reform) Act 2020 (asp 12), by section 12(1) of the Senedd and Elections (Wales) Act 2020 (anaw 1), by section 2(3) of the Local Government and Elections (Wales) Act 2021 (asc 1) and by paragraph 2 of Schedule 7 and paragraph 1(2) of Schedule 8 to the Elections Act 2022 (c. 37).

(2) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and was amended by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and by paragraph 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

- (ii) entered in the register after that date without an anonymous entry, P must make a fresh application under section 10ZC of the 1983 Act(3) together with a fresh overseas elector’s declaration.
- (3) Paragraph (2) does not apply where the registration officer has already received from P a fresh application under section 9B(1)(b) or section 10ZC of the 1983 Act.
- (4) A reminder under paragraph (2) may be sent to P’s address by post or sent to P by electronic means.
- (5) In paragraph (2)—
- “the determined date” is the date on which P’s entitlement to remain registered will terminate under section 9C(1)(a) of the 1983 Act(4);
- “the reminder period” means the period beginning 3 months before and ending 2 months before the determined date.”.
- (6) In regulation 25A (reminders to persons who have an anonymous entry)—
- (a) in the heading, after “to” insert “other”;
- (b) in paragraph (1), at the end insert “, other than a person registered in pursuance of an overseas elector’s declaration”.
- (7) In regulation 26 (applications for registration)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (c), after “Kingdom” insert “and the application is not being made in pursuance of an overseas elector’s declaration”;
- (ii) in sub-paragraph (d), at the beginning insert “except in the case of an application being made in pursuance of an overseas elector’s declaration,”;
- (b) in paragraph (4)(c), at the beginning insert “in relation to the registration of local government electors in Wales,”;
- (c) in paragraph (5)—
- (i) after the opening words insert—
- “(za) instead of the statement required in paragraph (3)(ba), include a statement that, in relation to an applicant’s nationality, registration officers may require the applicant to provide additional information or may carry out checks against Government records, and
- (zb) include space for the address at which the applicant can be contacted.”;
- (ii) omit sub-paragraphs (a) and (b);
- (d) in paragraph (5A), after “registered” insert “as a local government elector in Wales”;
- (e) after paragraph (9A) insert—
- “(9B) Where—
- (a) an applicant makes an application in pursuance of an overseas elector’s declaration, and
- (b) the applicant is unable to provide a national insurance number in accordance with paragraph (1)(f),

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(3) Section 10ZC was inserted by section 1(1) of the Electoral Registration and Administration Act 2013 and amended by section 6(2) of the Scotland Act 2016 (c. 11) and by section 7(2), (3) and (4) of the Wales Act 2017 (c. 4).

(4) Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 and was amended by paragraph 8 of Schedule 4 to the Electoral Registration and Administration Act 2013.

the applicant may provide as part of the application a copy of any of the documents listed in regulation 26B(2) to (4).

(9C) Where an applicant makes an application in pursuance of an overseas elector’s declaration in reliance upon the previous residence condition, the applicant may provide as part of the application a copy of any document which meets the evidential requirement described in regulation 26D(3).”;

(f) omit paragraph (10);

(g) in paragraph (11), before sub-paragraph (a) insert—

“(za) any copy documentation provided by the applicant in accordance with paragraph (9B) or (9C).”;

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

(a) in paragraph (1), at the beginning for “This” substitute “Subject to paragraph (1A), this”;

(b) after paragraph (1) insert—

“(1A) Where a person has made an application to be registered as an overseas elector under section 10ZC of the 1983 Act, this regulation only applies to the extent that a registration officer considers that additional evidence is necessary to verify the identity of the applicant (see regulations 24A and 26C to 26H for further provision in relation to overseas electors).”;

(c) after paragraph (4) insert—

“(4A) Where an application is made in pursuance of an overseas elector’s declaration—

(a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;

(b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies”.”;

(d) in paragraph (5), for the words from “require” to the end substitute—

“—

(a) except where sub-paragraph (b) applies, require the applicant give an attestation as set out in paragraph (6);

(b) where the application is made in pursuance of an overseas elector’s declaration, require the applicant give an attestation as set out in paragraph (6ZA).”;

(e) in paragraph (6)(c)—

(i) omit the “and” after paragraph (iii);

(ii) in paragraph (iv), at the beginning, insert “in relation to an application for registration as a local government elector in Wales”;

(iii) after paragraph (iv), insert—

“; and

(v) in relation to any other application for registration to which this paragraph applies, who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—

- (aa) the date on which the revised register in which the attestor’s name appears was last published under section 13(1) of the 1983 Act(5), or
  - (bb) the date on which a notice specifying the attestor’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act(6) (and if there has been more than one such notice, the date on which the last one was issued).”;
- (f) after paragraph (6) insert—
- “(6ZA) An attestation under this paragraph must—
- (a) confirm that the applicant is the person named in the application,
  - (b) be in writing and signed by a qualifying attestor,
  - (c) state the qualifying attestor’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attestor is registered as an elector,
  - (d) state—
    - (i) where the qualifying attestor is registered in pursuance of an overseas elector’s declaration, the attestor’s British or Irish passport number together with its date and place of issue;
    - (ii) otherwise—
      - (aa) where the qualifying attestor is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number)(7), that digital registration number,
      - (bb) in all other cases, the qualifying attestor’s electoral number,
  - (e) include an explanation as to the qualifying attestor’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attestor’s connection to the applicant and the length of time that that connection has existed,
  - (f) include—
    - (i) an indication that the qualifying attestor is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer)(8), and
    - (ii) a declaration by the qualifying attestor that all information provided in the attestation is true, and

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(5) Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1) was further substituted by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(6) Sections 13A and 13B were inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000. Section 13A(2) was amended by paragraph 4(3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was amended by section 11 of the Electoral Administration Act 2006, by section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006, by paragraph 3 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c. 13), by paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013, by paragraph 5 of Schedule 2 to the Recall of MPs Act 2015 (c. 25) and by S.I. 2018/1310. It is prospectively amended by section 18(8) of the Local Government and Elections (Wales) Act 2021 (asc 1) from a date and time to be appointed. Section 13BC was inserted by paragraph 7 of Schedule 2 to the Recall of MPs Act 2015.

(7) Section 10B was inserted by S.I. 2018/699 and amended by S.I. 2020/581.

(8) Section 13D was inserted by section 7(1) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). By virtue of section 15(8) of the Electoral Administration Act 2006 (c. 22), section 13D extends to England and Wales and Scotland. Subsection (1) was further substituted by section 15(2) of the Electoral Administration Act 2006.

- (g) state the date on which it is made.
- (6ZB) In paragraph (6ZA), a “qualifying attester” is a person—
  - (a) who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act, or
    - (ii) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (6ZC) In paragraphs (6)(c)(v) and (6ZB)(e), a relevant identity attestation is an attestation provided in accordance with—
  - (a) paragraph (6) or (6ZA);
  - (b) regulation 56C(5A) or (6);
  - (c) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (Scotland) Regulations 2001<sup>(9)</sup>;
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012<sup>(10)</sup>;
  - (e) regulation 72B(5A) or (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016<sup>(11)</sup>;
  - (f) regulation 7(6) of the Voter Identification Regulations 2022<sup>(12)</sup>.”;
- (g) omit paragraphs (7)(d) and (10).
- (9) After regulation 26B insert—

**“Overseas electors: power to request additional evidence where applicant under 18 when last resident in the United Kingdom**

**26C.—**(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) in accordance with regulation 18(8), the applicant has given an indication that the applicant was under 18 years old on the last day, and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address.

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<sup>(9)</sup> S.I. 2001/497; relevant amending instruments are S.I. 2006/834, 2007/925, 2008/305, 2013/3206, 2015/1966, 2017/602, 604, 2018/1310, 2019/1451, 2021/391, 1265, 2022/1382 and S.S.I. 2020/113.

<sup>(10)</sup> S.I. 2012/1917, amended by S.I. 2022/1382; there are other amending instruments but none is relevant.

<sup>(11)</sup> S.I. 2016/295, amended by S.I. 2022/1382; there are other amending instruments but none is relevant.

<sup>(12)</sup> S.I. 2022/1382.

- (2) The registration officer may require the applicant to provide—
  - (a) the full name of a parent or guardian of the applicant who was resident at the relevant address on the last day;
  - (b) in respect of each such parent or guardian, an indication as to whether that parent or guardian was registered, in respect of the relevant address, in a register of parliamentary electors or a register of local government electors on the last day.
- (3) Where the applicant provides the full name of a parent in accordance with paragraph (2)(a), the applicant must also provide a copy of the applicant’s birth certificate which shows the name of the applicant’s parent provided in accordance with paragraph (2)(a) and the applicant’s date of birth.
- (4) Where the applicant provides the full name of a guardian in accordance with paragraph (2)(a), the registration officer must require the applicant to provide such other kind of evidence as the officer considers appropriate that confirms that the person named in accordance with paragraph (2)(a) was the guardian of the applicant.
- (5) Where the applicant provides a copy of a document in accordance with paragraph (3) or (4), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.
- (6) In this regulation—
  - “last day” means the last day on which the applicant was resident in the United Kingdom;
  - “relevant address” means the address provided by the applicant in accordance with section 1C(3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request additional evidence of previous residence**

**26D.**—(1) This regulation applies where a registration officer considers that additional evidence is necessary in order to satisfy the registration officer that a person who makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”)—

- (a) where the declaration is made in reliance on the previous registration condition, was previously entered in an electoral register in respect of the relevant address;
  - (b) where the declaration is made in reliance on the previous residence condition—
    - (i) was resident at the relevant address on the last day that the applicant was resident in the United Kingdom, or
    - (ii) was not resident at the relevant address but could have made a declaration under section 7B of the 1983 Act (declaration of local connection) in respect of that address on the last day that the applicant was resident in the United Kingdom.
- (2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of any document which meets the evidential requirement.
- (3) For the purposes of paragraph (2), the “evidential requirement” in relation to a document is that the document—
- (a) bears the full current or previous name of the applicant, and
  - (b) bears the relevant address.
- (4) Any of the following documents which meets the evidential requirement in paragraph (3) is deemed to be conclusive evidence that the statement in paragraph (1)(a), (b)(i) or (b)(ii) (as the case may be) applies in respect of the applicant—

- (a) a driving licence granted in the United Kingdom (including an expired licence);
- (b) an instrument of a court appointment, such as a grant of probate or letters of administration;
- (c) a letter from the Office of the Public Guardian confirming the registration of a lasting power of attorney;
- (d) a letter from His Majesty’s Revenue and Customs;
- (e) a council tax demand letter or statement;
- (f) a rent book issued by a local authority;
- (g) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992<sup>(13)</sup>, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act<sup>(14)</sup>;
- (h) a letter from the Department of Work and Pensions, confirming the applicant’s entitlement to a state pension;
- (i) a letter from a school, college, university or other educational institution which confirms the attendance of, or the offer of a place for, the applicant at that institution;
- (j) a letter from the Student Loans Company;
- (k) an official copy of the land register entry for the relevant address or other proof of title for the relevant address;
- (l) a solicitor’s letter confirming the purchase of, or confirmation of the land registry registration of, the relevant address;
- (m) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
- (n) a bank or building society passbook or statement, or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
- (o) a credit card statement;
- (p) a utility or mobile telephone bill;
- (q) a letter from an insurance provider.

(5) In this regulation, “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request attestation as to applicant’s previous residence at relevant address**

**26E.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and

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<sup>(13)</sup> 1992 c. 4. Section 141 was amended by section 1(1) of the Child Benefit Act 2005 (c. 6).

<sup>(14)</sup> Section 130 was amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), by Part 6 of Schedule 19 to the Housing Act 1996 (c. 52) and by section 30(1) of, and paragraph 1(3) of Schedule 5 to, the Welfare Reform Act 2007 (c. 5). It is prospectively amended by section 96 of the Local Government Act 2000 (c. 22), and prospectively repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5), from a date and time to be appointed.



- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) The registration officer may require that the applicant give an attestation of previous residence which must—
  - (a) confirm that the applicant was resident at the relevant address, and
  - (b) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant was resident at that address.
- (3) In this regulation—
  - “qualifying attester” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request additional evidence as to applicant’s previous registration in pursuance of a service declaration or overseas elector’s declaration or as a merchant seaman**

- 26F.**—(1) This regulation applies where—
- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance on the previous registration condition,
  - (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
    - (i) in pursuance of a service declaration,
    - (ii) on the basis that the applicant was treated as being resident at the relevant address in accordance with section 6 of the 1983 Act (residence: merchant seamen)(**15**), or
    - (iii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) or (ii) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
  - (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) The registration officer may require that the applicant—
- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
    - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
    - (ii) confirms that the applicant met the registration status requirement;
  - (b) give an attestation of registration status which must—

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(15) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

- (i) confirm that the applicant met the registration status requirement, and
- (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.

(3) Paragraph (4) applies where the applicant’s registration referred to in section 1A(2)(a) of the 1985 Act was in pursuance of a service declaration by virtue of a service qualification related to another person (‘B’), as described in section 14(1)(d) or (e) or (1A) of the 1983 Act<sup>(16)</sup>.

(4) In addition to or instead of a requirement under paragraph (2)(a), the registration officer may require the applicant to give the registration officer a copy, or where the registration officer considers it appropriate, the original of any document which bears the full current or former name of B and confirms—

- (a) B’s service qualification under section 14(1) of the 1983 Act;
- (b) that B is or was (as the case may be) the spouse, civil partner, parent or guardian of the applicant.

(5) For the purposes of this regulation, “the registration status requirement”—

- (a) where paragraph (1)(b)(i) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant had a service qualification under section 14(1) or (1A) of the 1983 Act;
- (b) where paragraph (1)(b)(ii) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant was a merchant seaman within the meaning of section 6 of the 1983 Act.

(6) In this regulation—

“qualifying attester” has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) of the 1985 Act.

### **Overseas electors: power to require additional evidence as to declaration of local connection**

**26G.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous registration condition,
- (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
  - (i) in pursuance of a declaration under section 7B of the 1983 Act (declaration of local connection), or
  - (ii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) of this sub-paragraph or paragraph (2)(a) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
- (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and

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(16) Subsection (1) was amended by paragraph 80 of Schedule 27 to the Civil Partnership Act 2004 (c. 33). Subsection (1A) was inserted, in relation to Wales, by section 20(2) of the Senedd and Elections (Wales) Act 2020 (anaw 1) and, in relation to Scotland, by section 9(2) of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7).

- (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) This regulation also applies where—
  - (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous residence condition by virtue of section 1A(3)(b)(ii) of the 1985 Act,
  - (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that, on the last date that the applicant was resident in the United Kingdom, section 7B of the 1983 Act applied to the applicant, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (3) The registration officer may require that the applicant—
  - (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
    - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
    - (ii) confirms that the applicant met the local connection requirement;
  - (b) give an attestation of local connection which must—
    - (i) confirm on which basis the applicant met the local connection requirement, and
    - (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.
- (4) The local connection requirement is—
  - (a) where section 7B(2)(a) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was a patient in a mental hospital (within the meaning of that section), and
    - (ii) section 3A of the 1983 Act (disenfranchisement of offenders detained in mental hospitals)**(17)** or section 7A of the 1983 Act (residence: persons remanded in custody etc.)**(18)** did not apply to the applicant;
  - (b) where section 7B(2)(b) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was detained at any place pursuant to a relevant order or direction, and
    - (ii) the applicant was so detained otherwise than after being convicted of any offence or a finding in criminal proceedings that the applicant did the act or made the omission charged;
  - (c) where section 7B(2)(c) of the 1983 Act applied to the applicant, that the applicant—
    - (i) was not in legal custody, and

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**(17)** Section 3A was inserted by section 2 of the Representation of the People Act 2000 (c. 2) and was amended by paragraph 96 of Schedule 16 to the Armed Forces Act 2006 (c. 52) and by S.I. 2005/2078 and S.S.I. 2005/465.

**(18)** Section 7A was inserted by section 5 of the Representation of the People Act 2000 and was amended by section 12(2) of the Electoral Administration Act 2006 (c. 22), by paragraph 3 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), and by S.I. 2005/2078 and S.S.I. 2005/465.

- (ii) was not, for the purposes of section 4 of the 1983 Act, resident at any address in the United Kingdom;
- (d) where section 7B(2A) of the 1983 Act applied to the applicant, that—
  - (i) the applicant was under the age of 18 years and was a child who was looked after by a local authority, or
  - (ii) the applicant was being kept in secure accommodation.
- (5) In paragraph (4)—
  - (a) for the purposes of sub-paragraph (a)(ii), it is to be assumed that sections 3A and 7A of the 1983 Act were in force at any relevant time;
  - (b) in sub-paragraph (b)(i), “relevant order or direction” has the meaning given in section 7A(6) of the 1983 Act;
  - (c) section 7B(2D) of the 1983 Act applies to sub-paragraph (d) as it applies to section 7B(2B) of that Act.
- (6) In this regulation—
  - “qualifying attester” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to require attestation as to applicant’s connection to relevant address**

- 26H.**—(1) Subject to paragraph (2), this regulation applies where—
- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
  - (b) the registration officer requires the applicant to give documentary evidence or an attestation in accordance with regulation 26F(2) or 26G(3), and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant has a previous connection to the relevant address.
- (2) This regulation does not apply where regulation 26G(4)(d) applies to the applicant.
- (3) The registration officer may require that the applicant give an attestation of relevant address connection which must—
- (a) confirm that the applicant met the relevant address connection requirement, and
  - (b) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.
- (4) The relevant address connection requirement is—
- (a) where regulation 26F(1)(b)(i) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant would have been residing at the relevant address but for the applicant’s service qualification within the meaning of section 14(1) or (1A) of the 1983 Act;
  - (b) where regulation 26F(1)(b)(ii) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant—
    - (i) would have been residing at the relevant address but for the applicant’s occupation as a merchant seaman, or

- (ii) commonly stayed at the relevant address, which was a hotel or club providing accommodation for merchant seamen, during the course of the applicant's occupation as a merchant seaman;
  - (c) where regulation 26G(4)(a) or (b) applies to the applicant, that the applicant would have been residing at the relevant address if the applicant had not been a patient or detained;
  - (d) where regulation 26G(4)(c) applies to the applicant, that the relevant address was, or was nearest to, a place in the United Kingdom where the applicant commonly spent a substantial part of the applicant's time (whether during the day or at night).
- (5) In this regulation—
- “qualifying attester” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

**Overseas electors: supplemental provision as to attestations and the meaning of “qualifying attester”**

**26I.**—(1) An attestation of previous residence pursuant to regulation 26E(2), an attestation of registration status pursuant to regulation 26F(2)(b), an attestation of local connection pursuant to regulation 26G(3)(b), or an attestation of relevant address connection pursuant to regulation 26H(3) must—

- (a) be in writing and signed by a qualifying attester;
- (b) state the qualifying attester's full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector;
- (c) state—
  - (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the attester's British or Irish passport number together with its date and place of issue;
  - (ii) otherwise—
    - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
    - (bb) in all other cases, the qualifying attester's electoral number;
- (d) include an explanation as to the qualifying attester's ability to confirm that the applicant met the relevant requirement, including (but not limited to) the qualifying attester's connection to the applicant and the length of time that that connection has existed;
- (e) include—
  - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all of the information provided in the attestation is true;
- (f) state the date on which it is made.

(2) An attestation of relevant address connection pursuant to regulation 26H(3) may be combined with—

- (a) an attestation of registration status pursuant to regulation 26F(2)(b), or
- (b) an attestation of local connection pursuant to regulation 26G(3)(b),

where the qualifying attester for each attestation is the same person.

(3) In this regulation, and in regulations 26E, 26F, 26G and 26H, a “qualifying attester” is a person—

- (a) who is aged 18 or over,
- (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (c) who is registered as an elector,
- (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
- (e) who has not already signed attestations to which paragraph (4) applies for two other applicants since, whichever is the later,—
  - (i) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act; or
  - (ii) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).

(4) This paragraph applies to an attestation made in accordance with any of—

- (a) regulations 26E to 26H, and
- (b) regulations 26E to 26H of the Representation of the People (Scotland) Regulations 2001.

### **Overseas electors: power to require additional evidence as to change of name**

**26J.**—(1) Paragraph (2) applies where a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) and—

- (a) the applicant’s declaration includes a name in accordance with regulation 18(3)(a);
- (b) the applicant’s name on a document provided in accordance with regulation 24A(3), 26C(3) or (4), 26D(2), 26F(2)(a) or 26G(3)(a) is different from both the name provided in accordance with section 1C(1)(a) of the 1985 Act and any name provided in accordance with regulation 18(3);
- (c) the name of the applicant’s parent or guardian provided in accordance with regulation 26C(2)(a) is different from the name of that parent or guardian as it appears—
  - (i) on the register described in regulation 26C(2)(b);
  - (ii) on a document provided in accordance with regulation 26C(3) or (4);
- (d) B’s name on a document provided by the applicant in accordance with regulation 26F(4)(a) or (b) is B’s former (and not current) name;
- (e) on a document provided by the applicant in accordance with regulation 26F(4)(a) B’s name is different from on any document provided by the applicant in accordance with regulation 26F(4)(b).

- (2) Where this paragraph applies, the registration officer may require the applicant to provide—
- (a) except where paragraph (1)(a) applies, an explanation as to the difference in name or, where paragraph (1)(c), (d) or (e) applies and the reason for the difference is not known by the applicant, a statement to that effect, and
  - (b) where paragraph (1)(a) or (b) applies, such other evidence as the officer considers appropriate that confirms the change of the applicant’s name.
- (3) Where the applicant provides a copy of a document in accordance with paragraph (2) (b), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.”.
- (10) In regulation 29ZA (verification of information provided in an application), after paragraph (6) insert—
- “(6ZA) In relation to the registration of parliamentary electors, this regulation does not apply to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.”.
- (11) After regulation 29ZA insert—

**“Verification of information provided in an application made pursuant to an overseas elector’s declaration**

**29ZAA.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant’s name, relevant address, date of birth and national insurance number (“the first stage information”) to the Secretary of State for Levelling Up, Housing and Communities in such format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the first stage information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the first stage information to the Secretary of State for Work and Pensions.

(4) Where the first stage information has been disclosed to the Secretary of State for Work and Pensions under paragraph (3) the Secretary of State for Work and Pensions may compare it against—

- (a) the name, address, date of birth and national insurance number of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (3).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison of the first stage information (“the second stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of the second stage information, the Secretary of State for Levelling Up, Housing and Communities may disclose that information—

- (a) to the Secretary of State for Work and Pensions, or
- (b) to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Paragraph (4) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under paragraph (6)(a) as it applies to the first stage information disclosed under paragraph (3).

(8) The Secretary of State for Work and Pensions may disclose the results of the comparison of the second stage information (“the third stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(9) On receipt of the third stage information, the Secretary of State for Levelling Up, Housing and Communities may—

- (a) compare the third stage information against the information provided in the application, and
- (b) notify the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11), as to whether the comparison in sub-paragraph (a) resulted in a match.

(10) The registration officer must take into account any information disclosed by, or notification received from, the Secretary of State for Levelling Up, Housing and Communities in accordance with this regulation when determining the application.

(11) In paragraph (2)—

- (a) the applicant’s “name” means—
  - (i) the name provided by the applicant in accordance with section 1C(1)(a) of the 1985 Act, and
  - (ii) any name provided in accordance with regulation 18(3)(a) or 26(3)(ea);
- (b) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003<sup>(19)</sup>;
- (c) “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

#### **Additional verification of information provided in an application made pursuant to an overseas elector’s declaration**

**29ZAB.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant’s qualification information to the Secretary of State for Levelling Up, Housing and Communities in such a format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the qualification information from the registration officer or (in the case of an application made through or partially completed using the digital service) from

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(19) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30). It is prospectively amended by paragraph 4 of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7) from a date and time to be appointed.



an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the information to the Secretary of State for Work and Pensions.

(4) Where qualification information has been disclosed to the Secretary of State for Work and Pensions under paragraph (2), the Secretary of State for Work and Pensions may compare it against—

- (a) the name, date of birth and address of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of such results, the Secretary of State for Levelling Up, Housing and Communities may disclose them to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Where the Secretary of State for Levelling Up, Housing and Communities does so, the registration officer must take the results into account in determining the application.

(8) In this regulation—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;

“qualification information”, in respect of an applicant, means—

- (a) the applicant’s full name provided in accordance with section 1C(1)(a) of the 1985 Act and regulation 26(1)(a),
- (b) any name provided by the applicant in accordance with regulation 18(3)(a),
- (c) the applicant’s date of birth provided in accordance with regulation 26(1)(e),
- (d) the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.”.

(12) In regulation 29ZB (processing of information provided in connection with an application under section 10ZC or 10ZD)—

- (a) in paragraph (1), after “26B(8),” insert “26C(5), 26D(2), 26F(2)(a) or (4), 26G(3)(a) or 26J(3),”;
- (b) in paragraph (5)—
  - (i) in the opening words, after “regulation 29ZA” insert “, 29ZAA or 29ZAB”;
  - (ii) in sub-paragraph (aa), after “regulation 29ZA” insert “or 29ZAA”;
- (c) in paragraph (7), after “regulation 29ZA” insert “, 29ZAA or 29ZAB”;
- (d) in paragraph (8), after “regulation 29ZA(1)” insert “, 29ZAA(2) or 29ZAB(2)”.

(13) In regulation 29 (procedure for determining applications for registration and objections without a hearing)—

- (a) in paragraph (2BB), after “1983 Act” insert “or made in pursuance of an overseas elector’s declaration”;

- (b) in paragraph (2BC), after “1983 Act” insert “or in pursuance of an overseas elector’s declaration”;
  - (c) in paragraph (2BE), for “26(5)(b)” substitute “26(5)(zb)”;
  - (d) in paragraph (8), for “section 2(4)(b) or (c)(ii)” substitute “section 1C(2)(a)(i), (3)(a)(i) or (4)”.
- (14) In regulation 31B (other determinations by registration officer of entitlement to registration), in paragraph (2)—
- (a) in sub-paragraph (a)(ii), for “section 2(2)(aa)” substitute “section 1D(4)(a)”;
  - (b) in sub-paragraph (b)(ii), for “section 2(2)(ab)” substitute “section 1D(4)(b)”.
- (15) In regulation 31D (procedure for reviewing entitlement to registration), in paragraph (4)(b), after “regulation 24” insert “or 24A.”.
- (16) In regulation 31G (anonymous registration: applications and declarations), after paragraph (6) insert—
- “(7) Where an application for an anonymous entry is made by a person who is, or who has applied to be, registered as an elector in pursuance of an overseas elector’s declaration, this regulation applies as if—
- (a) in paragraph (1)—
    - (i) the reference in sub-paragraph (b) to regulation 26(1)(b) were a reference to section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act;
    - (ii) after sub-paragraph (b) there were inserted—
      - “(ba) the address given in accordance with regulation 18(4) or 22B(1);”;
  - (b) paragraph (6) were omitted.”.
- (17) In regulation 31J (anonymous registration: evidence by attestation), after paragraph (2) insert—
- “(2A) Where the applicant is or has applied to be registered in pursuance of an overseas elector’s declaration, the reference in paragraph (2)(a) to the applicant’s qualifying address includes a reference to the address provided by the applicant in accordance with regulation 18(4) or 22B(1).”.
- (18) In regulation 35 (registration officer’s right to inspect certain records), after paragraph (3) insert—
- “(4) For the purposes of paragraph (1), a registration officer’s “registration duties” do not include the officer’s functions in relation to a relevant absent voting application.”.
- (19) In regulation 35A (disclosure of certain local authorities’ records), in paragraph (1) at the end insert “except for the purpose of verifying information related to a person named in a relevant absent voting application”.
- (20) In regulation 40 (qualifying addresses which are not included in the register), in paragraph (1) (b), for “section 2(4)(b) or (c)(ii)” substitute “section 1C(2)(a)(i), (3)(a)(i) or (4)”.
- (21) In regulation 45 (preparation and publication of list of overseas electors)—
- (a) in paragraph (1)—
    - (i) after “prepare” insert “and maintain”;
    - (ii) for the words from “section 2(4)” to the end substitute “section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act and the elector’s present address”;
  - (b) after paragraph (1) insert—

- “(1A) But in the case of a person who has an anonymous entry, the list of overseas electors must contain only—
- (a) the person’s electoral number, and
  - (b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1) of the 1983 Act (in the absence of a further application under section 9B of that Act).”;
- (c) in paragraph (2), for “shall be listed in alphabetical order” substitute “who do not have an anonymous entry must be listed in alphabetical order, followed by the electoral numbers of persons with an anonymous entry”.