

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 (c. 2), section 96(2)(b) of the Northern Ireland Act 1998 (c. 47), section 154(2)(b) of the Police Reform and Social Responsibility Act 2011 (c. 13) and sections 18(8) and 21(6)(a) of the Recall of MPs Act 2015 (c. 25), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

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

Made - - - -

Coming into force - - *16th January 2024*

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The Secretary of State makes these Regulations in exercise of the powers conferred by the provisions set out in the Schedule.

The Secretary of State has consulted—

- (a) the Electoral Commission, in accordance with section 53(5)(a) of the Representation of the People Act 1983(a) and section 7(1) and (2)(e) and (h) of the Political Parties, Elections and Referendums Act 2000(b), and
- (b) the Information Commissioner and such other persons as the Secretary of State considers appropriate in accordance with section 53(5)(b) and (c) of the Representation of the People Act 1983.

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(c), section 96(2)(b) of the Northern Ireland Act 1998(d), section 154(2)(b) of the Police Reform and Social Responsibility Act 2011(e) and sections 18(8) and 21(6)(a) of the Recall of MPs Act 2015(f).

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- (a) 1983 c. 2. Section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6).
 - (b) 2000 c. 41. There are amendments to section 7 but none is relevant.
 - (c) 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 paragraphs 6(1) and 7(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000, by section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and by S.I. 1991/1728. It is prospectively amended by paragraph 1(9)(a) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed.
 - (d) 1998 c. 47. Amendments have been made to section 96, but none is relevant.
 - (e) 2011 c. 13.
 - (f) 2015 c. 25.

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2023 and come into force on 16th January 2024.

(2) This Part extends to England and Wales, Scotland and Northern Ireland.

(3) The following provisions extend to Northern Ireland only—

(a) Part 2,

(b) regulation 27(1) to the extent that it concerns the amendments made by regulations 5 to 7, 13, 14, 19 and 20(a)(ii) and (iii), and

(c) regulations 27(2) and (3) and 28.

(4) Regulation 27(1) to the extent that it concerns the amendments made by regulation 22 extends to England and Wales only.

(5) Regulation 27(1) to the extent that it concerns the amendments made by regulation 23 extends to Scotland only.

(6) Any amendment made by Part 3 has the same extent as the provision amended.

PART 2

Amendment of the Representation of the People (Northern Ireland) Regulations 2008

Amendment of the Representation of the People (Northern Ireland) Regulations 2008

2. The Representation of the People (Northern Ireland) Regulations 2008(a) are amended in accordance with this Part.

Amendment of regulation 3 (interpretation)

3. In regulation 3 (interpretation)—

(a) after the definition of “the 2006 Act” insert—

““address claimed as the qualifying address”, in relation to a person applying to be registered, means the address in respect of which the person is applying to be registered;”;

(b) after the definition of “data” insert—

““declaration of local connection” has the same meaning as in section 7B(1) of the 1983 Act(b);”;

(c) after the definitions of “local elector” and “local election” insert—

(a) S.I. 2008/1741. Relevant amendments have been made by sections 14(1)(c) and 20(4)(a) of the Northern Ireland (Miscellaneous Provisions) Act 2014 and S.I. 2010/278 2014/1808, 2016/295, 2018/699 and 1310 and 2020/581.

(b) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2) and amended by section 14(1)(a)(ii) of the Northern Ireland (Miscellaneous Provisions) Act 2014 and paragraph 1(3)(a) of Schedule 8 to the Elections Act 2022 . There are other amendments to section 7B, but none is relevant. For the meaning of “the 1983 Act”, see regulation 3(1) of S.I. 2008/1741.

- ““mental hospital” has the meaning given in section 7(6) of the 1983 Act(a);”;
- (d) after the definition of “overseas elector” insert—
- ““previous registration condition” has the same meaning as in section 1A(2) of the 1985 Act(b);
- “previous residence condition” has the same meaning as in section 1A(3) of the 1985 Act;”;
- (e) after the definition of “registration officer” insert—
- ““renewal declaration” has the same meaning as in section 1E of the 1985 Act(c);”.

Amendment of regulation 5 (communication of applications, notices etc.)

4. In regulation 5 (communication of applications, notices etc.)—
- (a) the existing text becomes paragraph (1);
- (b) in paragraph (1), after “any application,” insert “attestation;”;
- (c) after paragraph (1) insert—
- “(2) The reference to “text” in paragraph (1) includes a signature.”.

Substitution of regulation 20 (contents of overseas elector’s declaration)

5. For regulation 20 (contents of overseas elector’s declaration) substitute—

“Contents of overseas elector’s declaration

20—(1) In addition to the information required or permitted by section 1C of the 1985 Act(d), an overseas elector’s declaration(e) must—

- (a) state the present address of the person making the declaration (“the declarant”),
- (b) state—
- (i) where the declarant has a passport (current or expired) which describes the declarant as a British citizen, the number of that passport, together with its date and place of issue;
- (ii) otherwise—
- (aa) where the declarant was born in the United Kingdom before 1st January 1983, a statement as to that fact;
- (bb) in all other cases, a statement as to when and how the declarant acquired the status of British citizen, together with the date, place and country of the declarant’s birth, and
- (c) if the declaration includes a statement under section 1C(5) of the 1985 Act (statement that declarant is an eligible Irish citizen), state—
- (i) where the declarant has an Irish passport (current or expired), the number of that passport, together with its date and place of issue;

(a) Section 7 was substituted by section 4 of the Representation of the People Act 2000. There are amendments to section 7(6), but none is relevant.

(b) 1985 c. 50. Section 1A was substituted by section 14(1) of the Elections Act 2022.

(c) Section 1E was substituted by section 14(1) of the Elections Act 2022.

(d) Section 1C was substituted by section 14(1) of the Elections Act 2022.

(e) For the meaning of “overseas elector’s declaration”, see section 202(1) of the Representation of the People Act 1983. The definition of “overseas elector’s declaration” was substituted by paragraph 3 of Schedule 7 to the Elections Act 2022.

- (ii) otherwise, a statement as to when and how the declarant acquired the status of Irish citizen, together with the date, place and country of the declarant's birth.
- (2) Where the declarant is seeking to be registered in reliance on the previous registration condition, the declaration must also—
- (a) include—
 - (i) an indication as to whether the declarant's name has changed since the declarant was last included in the register^(a), and
 - (ii) where the indication is that the declarant's name has changed—
 - (aa) the name in respect of which the declarant was last included in the register, and
 - (bb) the reason for the change, and
 - (b) include an indication as to whether the declarant was last registered in pursuance of—
 - (i) an overseas elector's declaration,
 - (ii) a service declaration^(b), or
 - (iii) a declaration of local connection.
- (3) Where the declarant is seeking to be registered in reliance on the previous residence condition, the declaration must also—
- (a) include—
 - (i) an indication as to whether the declarant's name has changed since the last day on which the declarant was resident in the United Kingdom, and
 - (ii) where the indication is that the declarant's name has changed—
 - (aa) the declarant's name on the last day on which the declarant was resident in the United Kingdom, and
 - (bb) the reason for the change,
 - (b) include an indication as to whether the declarant was under 18 years old on the last day on which the declarant was resident in the United Kingdom, and
 - (c) where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of section 1A(3)(b)(ii) of the 1985 Act (previous residence condition: declaration of local connection), include—
 - (i) a statement as to which of the categories of person mentioned in section 7B(2)(a) to (c) of the 1983 Act (notional residence: declarations of local connection) the declarant fell within on the last day on which the declarant was resident in the United Kingdom, and
 - (ii) where the declarant fell within the category of person mentioned in section 7B(2)(a) or (b) of the 1983 Act on that day, the name and address of the mental hospital at which the declarant was a patient or (as the case may be) the place at which the declarant was detained.
- (4) Where the declaration includes an indication that the declarant was under 18 years old on the last day on which the declarant was resident in the United Kingdom, the declarant

^(a) For the meaning of "register", see regulation 3(1) of S.I. 2008/1741.

^(b) For the meaning of "service declaration", see section 202(1) of the Representation of the People Act 1983. The definition of "service declaration" was inserted by paragraph 3 of Schedule 4 to the Elections Act 2022.

may provide as part of the declaration any information or document described in regulation 27ZA.

(5) In paragraph (1)(b)(ii)(aa), “the United Kingdom” has the meaning given in section 50 of the British Nationality Act 1981(a).”.

Omission of regulation 21 (certain declarants to supply copy of birth certificates)

6. Omit regulation 21 (certain declarants to supply copy of birth certificates)(b).

Amendment of regulation 23 (notification about registration as overseas elector)

7. In regulation 23 (notification about registration as overseas elector)—

(a) in paragraph (1)—

(i) for “the provisions of sections 1 and 2” substitute “section 1A”;

(ii) at the end insert “in writing”;

(b) in paragraph (2)—

(i) in sub-paragraph (a), for “section 1” substitute “section 1A”;

(ii) in sub-paragraph (b), for “section 2” substitute “section 1C(c)”;

(iii) omit sub-paragraph (c) and the “or” immediately preceding it;

(iv) for the words after sub-paragraph (c) substitute “the registration officer(d) must notify the declarant in writing and set out their reasons for rejecting the application.”.

Insertion of regulations 23A to 23C (renewal declarations: reminders, contents and notification)

8. After regulation 23 insert—

“Reminders to electors registered in pursuance of an overseas elector’s declaration

23A.—(1) This paragraph applies in relation to a person (“P”) who is registered in pursuance of an overseas elector’s declaration.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to P a reminder in writing of the need to make a renewal declaration if P wishes to remain registered in pursuance of the overseas elector’s declaration.

(3) Paragraph (2) does not apply or ceases to apply where the registration officer has received—

(a) a renewal declaration from P, or

(b) information which indicates that P is no longer entitled to make a renewal declaration.

(4) In paragraph (2), “relevant period” means the period—

(a) beginning with 1st July of the year in which P’s registration is due to end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act(e), and

(a) 1981 c. 61.

(b) Regulation 21 was amended by S.I. 2018/1310.

(c) Section 1C was substituted by section 14(1) of the Elections Act 2022.

(d) For the meaning of “registration officer”, see regulation 3(1) of S.I. 2008/1741.

(e) Section 1D was substituted by section 14(1) of the Elections Act 2022. By virtue of section 1D(1)(a) and (3)(a), the registration of a person registered pursuant to an overseas elector’s declaration ends (unless a specified event occurs) on the third 1st November following the date when the person’s entry on the electoral register takes effect or, if that initial

- (b) ending with 1st October of that year.

Renewal declarations

23B.—(1) A renewal declaration must include, in addition to the information required or permitted by section 1E of the 1985 Act—

- (a) the declarant’s national insurance number, and
- (b) the declarant’s present address.

(2) A renewal declaration must be in writing and be signed by the declarant.

Notification about continued registration as an overseas elector following renewal declaration

23C.—(1) Where the registration officer is satisfied that a person making a renewal declaration (“the declarant”) is entitled to remain registered in pursuance of an overseas elector’s declaration, the registration officer must notify the declarant of that fact.

(2) Where the registration officer is not so satisfied, the registration officer must notify the declarant of that fact together with the registration officer’s reasons for not being so satisfied.”.

Amendment of regulation 24 (power to require information)

9. In regulation 24 (power to require information), at the end of paragraph (1) insert “except where these Regulations specify the information or documentation that a registration officer may require”.

Amendment of regulation 25 (alteration of registers under section 13BA(3) or 13BC of the 1983 Act)

10. In regulation 25 (alteration of registers under section 13BA(3) or 13BC of the 1983 Act)(a)—

- (a) in paragraph (2), for “such of the original documents as are specified in paragraphs (3) to (6)” substitute “such of the material as is prescribed in regulations 25A to 25C”;
- (b) omit paragraphs (3) to (5).

Insertion of regulations 25A to 25C (additional supporting material)

11. After regulation 25 insert—

“Regulation 25 supplementary: additional supporting material in relation to identity

25A.—(1) This regulation prescribes the additional supporting material which, for the purposes of sections 13BA(3) and 13BC of the 1983 Act, the registration officer may require in relation to the identity of an applicant.

(2) The additional supporting material is a copy of, or, where the registration officer considers it appropriate, the original of—

- (a) one of the following documents issued to the applicant—
 - (i) a passport;

registration period is extended on one or more occasions, on the third 1st November following the day after the last day of the initial or further registration period.

(a) Regulation 25 was amended by section 14(1)(c) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and S.I. 2010/278 and 2016/295.

- (ii) a photocard driving licence (current or expired) issued in the United Kingdom or the European Economic Area or granted by a Crown Dependency;
 - (iii) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007(a);
 - (iv) an electoral identity card issued under section 13C(1) of the 1983 Act(b);
 - (v) an identity card issued in the European Economic Area;
 - (vi) a Senior SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (vii) a Blind Person's SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (viii) a War Disabled SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (ix) a 60+ SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008;
 - (x) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st April 2004;
 - (xi) a statutory declaration as to the applicant's name and date of birth, or
- (b) if the applicant is unable to provide a document listed in sub-paragraph (a), two of the following documents issued to or in respect of the applicant—
- (i) a copy of the applicant's birth certificate(c);
 - (ii) a marriage certificate;
 - (iii) a certificate of civil partnership;
 - (iv) an adoption certificate;
 - (v) a driving licence other than a driving licence specified in sub-paragraph (a)(ii);
 - (vi) a firearms certificate issued under the Firearms (Northern Ireland) Order 2004(d);
 - (vii) a certificate of naturalisation showing that the applicant has become a British citizen or Commonwealth citizen by virtue of naturalisation;
 - (viii) a document showing that the applicant has become a British citizen or Commonwealth citizen by virtue of registration;
 - (ix) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
 - (x) a statement of benefits or entitlement to benefits under an enactment relating to social security, where the statement contains the applicant's national insurance number.

(3) If the applicant is unable to provide a document listed in paragraph (2)(a) or two of the documents listed in paragraph (2)(b), the additional supporting material is an attestation which—

- (a) confirms that the applicant is the person named in the application, and

(a) 2007 c. 30. Section 5 was amended by paragraph 19 of the Schedule to the Identity Documents Act 2010 (c. 40).

(b) Section 13C was inserted by section 4(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13).

(c) For the meaning of "copy of a birth certificate", see regulation 3(1) of S.I. 2008/1741.

(d) S.I. 2004/702 (N.I. 3).

- (b) meets the general attestation requirements in regulation 27ZH(1).

(4) In paragraph (1), “Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man.

Regulation 25 supplementary: additional supporting material in relation to nationality

25B.—(1) This regulation prescribes the additional supporting material which, for the purposes of sections 13BA(3) and 13BC of the 1983 Act, the registration officer may require in relation to the nationality of an applicant.

(2) The additional supporting material is a copy of, or, where the registration officer considers it appropriate, the original of—

- (a) if the applicant is not seeking to be registered in pursuance of an overseas elector’s declaration, one of the following documents issued to or in respect of the applicant—

- (i) a copy of the applicant’s birth certificate;
- (ii) a certificate of naturalisation showing that the applicant has become a British citizen or Commonwealth citizen by virtue of naturalisation;
- (iii) a document showing that the applicant has become a British citizen or Commonwealth citizen by virtue of registration;
- (iv) a statutory declaration that the applicant is a British citizen, a qualifying Commonwealth citizen, a citizen of Ireland or a relevant citizen of the Union(a);
- (v) a passport issued by the Government of the United Kingdom, a member State or a Commonwealth country, or

- (b) if the applicant is seeking to be registered in pursuance of an overseas elector’s declaration, one of the following documents issued to or in respect of the applicant—

- (i) a copy of the applicant’s birth certificate;
- (ii) a certificate of naturalisation showing that the applicant has become a British citizen by virtue of naturalisation;
- (iii) a document showing that the applicant has become a British citizen by virtue of registration;
- (iv) a statutory declaration that the applicant is—
 - (aa) a British citizen, or
 - (bb) an Irish citizen who was born in Northern Ireland and qualifies as a British citizen (whether or not the applicant identifies as such).

(3) If the applicant is unable to provide a document listed in paragraph (2)(a) or (b) (whichever is relevant), the additional supporting material is an attestation which—

- (a) confirms that the nationality of the applicant is the nationality stated in the application, and
- (b) meets the general attestation requirements in regulation 27ZH(1).

(a) For the meaning of “relevant citizen of the Union”, see section 202(1) of the Representation of the People Act 1983 (c. 2). The definition of “relevant citizen of the Union” was inserted by S.I. 1995/1948.

(4) In paragraph (1)(a)(iv), “qualifying Commonwealth citizen” has the meaning given in section 4(6) of the 1983 Act(a).

Regulation 25 supplementary: additional supporting material in relation to address claimed as qualifying address

25C.—(1) This regulation prescribes the additional supporting material which, for the purposes of sections 13BA(3) and 13BC of the 1983 Act, the registration officer may require in relation to the address which an applicant claims as their qualifying address.

(2) The additional supporting material is a copy of, or, where the registration officer considers it appropriate, the original of any document which—

- (a) is listed in paragraph (4), and
- (b) bears—
 - (i) the full current or former name of the applicant, and
 - (ii) the address claimed as the qualifying address.

(3) Where the applicant is not seeking to be registered in pursuance of a service declaration, a declaration of local connection or an overseas elector’s declaration, the document referred to in paragraph (2) must have been issued within the period of three months ending with the date of application unless it is a driving licence.

(4) The documents are—

- (a) a driving licence issued in the United Kingdom which—
 - (i) if the applicant is seeking to be registered in pursuance of a service declaration, a declaration of local connection or an overseas elector’s declaration, may be current or expired;
 - (ii) otherwise, must be current;
- (b) a bill or statement of account issued by Land and Property Services (meaning that part of the Department of Finance in Northern Ireland known as Land and Property Services Executive Agency);
- (c) a utility or mobile telephone bill;
- (d) 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;
- (e) a credit card statement;
- (f) a bill or statement issued by a credit union within the meaning of article 2 of the Credit Unions (Northern Ireland) Order 1985(b);
- (g) a pension statement;
- (h) an instrument of a court appointment, such as a grant of probate or letters of administration;
- (i) a letter from His Majesty’s Revenue and Customs;
- (j) 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;

(a) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2). There are amendments to section 4, but none is relevant.

(b) S.I. 1985/1205 (N.I. 12). The definition of “credit union” in article 2 was amended by paragraph 21 of Schedule 1 to the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16).

- (k) a letter from Student Finance Northern Ireland;
- (l) an official copy of the land registry entry for the address claimed as the qualifying address or other proof of title for that address;
- (m) a solicitor's letter confirming the purchase of, or confirmation of the land registry registration of, the address claimed as the qualifying address;
- (n) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
- (o) a letter from an insurance provider;
- (p) a rent book issued by the Northern Ireland Housing Executive;
- (q) a statement of benefits or entitlement to benefits under an enactment relating to social security;
- (r) a letter from the Department for Communities in Northern Ireland confirming the applicant's entitlement to a state pension;
- (s) a letter from the Office of Care and Protection, confirming the registration of a lasting power of attorney.

(5) If the applicant is unable to provide a document which meets the requirements of paragraph (2) and (if relevant) paragraph (3), the additional supporting material is an attestation which—

- (a) confirms the basis on which the applicant is entitled to be registered in respect of the address claimed as their qualifying address, and
- (b) meets the general attestation requirements in regulation 27ZH(1).

(6) If the applicant's name in a document provided in accordance with paragraph (2) is different from the applicant's name in their application, the additional supporting material also includes—

- (a) an explanation as to the difference in name, and
- (b) evidence confirming the change of the applicant's name.”.

Amendment of regulation 26 (reminders to electors registered in pursuance of a declaration)

12. In regulation 26 (reminders to electors registered in pursuance of a declaration)—

- (a) in the heading, for “pursuant to a declaration” substitute “in pursuance of a 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 “or” immediately preceding it.

Amendment of regulation 27 (applications for registration)

13. In regulation 27 (applications for registration)—

- (a) after paragraph (1A)(a) insert—

“(1B) Where an applicant is applying to be registered in pursuance of an overseas elector's declaration and is unable to provide a national insurance number, the applicant may provide as part of their application a copy of any of the documents listed in regulation 25A(2).

(a) Paragraph (1A) was inserted by S.I. 2018/699.

(1C) Where an applicant is applying to be registered in pursuance of an overseas elector’s declaration in reliance on the previous residence condition, the applicant may provide as part of their application a copy of any document which meets the requirements of regulation 27ZB(2).”;

(b) in paragraph (3)(a)—

(i) in the opening words, for “shall include a declaration” substitute “which is submitted through the UK digital service must include a statement”;

(ii) for paragraph (b) substitute—

“(b) the applicant believes the matters stated in the application and any accompanying declaration to be true.”;

(c) after paragraph (3) insert—

“(3ZZA) An application for registration which is not submitted through the UK digital service**(b)** and is made otherwise than in pursuance of an overseas elector’s declaration must include a statement that—

(a) the applicant is the person named in the application, and

(b) the applicant believes the matters stated in the application and any accompanying declaration to be true.

(3ZZB) An application for registration which is not submitted through the UK digital service and is made in pursuance of an overseas elector’s declaration must include a statement that—

(a) the applicant is the person named in the application, and

(b) the applicant believes the matters stated in the application to be true**(c)**.”.

Insertion of regulations 27ZA to 27ZJ (additional information required from overseas electors and general attestation provisions)

14. After regulation 27 insert—

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

27ZA.—(1) This regulation applies where—

(a) a person has made an application to be registered in pursuance of an overseas elector’s declaration,

(b) the applicant has indicated that they were under the age of 18 years on the last day on which they were resident in the United Kingdom, and

(c) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was resident at the address claimed as their qualifying address on that day.

(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 address claimed as the qualifying address on the last day on which the applicant was resident in the United Kingdom, and

(a) Paragraph (3) was substituted by S.I. 2018/699.

(b) For the meaning of “the UK digital service”, see regulation 3(1) of S.I. 2008/1741.

(c) Under section 1C(1)(g) of the Representation of the People Act 1985 (c. 50), an overseas elector’s declaration must itself include a statement that the declarant believes the matters stated in the declaration to be true.

(b) an indication as to whether the parent or guardian was registered in the register in respect of that address on that day.

(3) Where the information provided in accordance with paragraph (2) is in relation to a parent, the applicant must also provide a copy of the applicant's birth certificate showing the full name of that parent and the applicant's date of birth.

(4) Where the information provided in accordance with paragraph (2) is in relation to a guardian, the registration officer may require the applicant to provide such documentary evidence as the registration officer considers appropriate confirming that the person named was a guardian of the applicant.

Overseas electors: power to require additional evidence of previous residence

27ZB.—(1) This regulation applies where—

- (a) a person has made an application to be registered in pursuance of an overseas elector's declaration, and
- (b) the registration officer considers that additional evidence is necessary to be satisfied that the applicant satisfies the previous registration condition or the previous residence condition (whichever is relevant).

(2) The registration officer may require the applicant to provide a copy of, or, where the registration officer considers it appropriate, the original of, any document which—

- (a) bears the full current or previous name of the applicant, and
- (b) bears the address claimed as the qualifying address.

(3) A document which meets the requirements of paragraph (2) and is listed in paragraph (5) is deemed to provide conclusive evidence that the applicant satisfies the previous registration condition or the previous residence condition (whichever is relevant).

(4) But the deeming provision in paragraph (3) only applies in the case of a document bearing the previous name of the applicant where the registration officer is satisfied as to the applicant's change in name (see further, regulation 27ZG).

(5) The documents are—

- (a) a driving licence (current or expired) issued in the United Kingdom;
- (b) a bill or statement of account issued by Land and Property Services (meaning that part of the Department of Finance in Northern Ireland known as Land and Property Services Executive Agency);
- (c) a utility or mobile telephone bill;
- (d) 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;
- (e) a credit card statement;
- (f) a bill or statement issued by a credit union within the meaning of article 2 of the Credit Unions (Northern Ireland) Order 1985;
- (g) a pension statement;
- (h) an instrument of a court appointment, such as a grant of probate or letters of administration;
- (i) a letter from His Majesty's Revenue and Customs;

- (j) 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;
- (k) a letter from Student Finance Northern Ireland;
- (l) an official copy of the land registry entry for the address claimed as the qualifying address or other proof of title for that address;
- (m) a solicitor's letter confirming the purchase of, or confirmation of the land registry registration of, the address claimed as the qualifying address;
- (n) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
- (o) a letter from an insurance provider;
- (p) a rent book issued by the Northern Ireland Housing Executive;
- (q) a statement of benefits or entitlement to benefits under an enactment relating to social security;
- (r) a letter from the Department for Communities in Northern Ireland confirming the applicant's entitlement to a state pension;
- (s) a letter from the Office of Care and Protection in Northern Ireland, confirming the registration of a lasting power of attorney.

(6) If the applicant is unable to provide a document which meets the requirements of paragraph (2), or if the evidence provided in accordance with this regulation is not sufficient for the registration officer to determine that the applicant satisfies the previous registration condition or the previous residence condition (whichever is relevant), the registration officer may proceed under regulations 27ZC to 27ZF (so far as relevant).

Overseas electors: power to require attestation as to applicant's previous residence at address claimed as qualifying address

27ZC.—(1) This regulation applies where—

- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation, and
 - (b) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was resident at the address claimed as the qualifying address.
- (2) The registration officer may require the applicant to provide an attestation which—
- (a) confirms that the applicant was resident at the address claimed as the qualifying address,
 - (b) indicates the dates between which, to the best of the attester's knowledge, the applicant was resident at that address, and
 - (c) meets the general attestation requirements in regulation 27ZH(1).

Overseas electors: power to require additional evidence as to previous registration in pursuance of a service declaration, residence as a merchant seaman or an overseas elector's declaration

27ZD.—(1) This regulation applies where—

- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
- (b) the application is made in reliance on the previous registration condition,

- (c) the applicant has indicated that—
 - (i) their previous registration, or their last registration in the register otherwise than as an overseas elector, was in pursuance of a service declaration, or
 - (ii) their previous registration, or their last registration in the register otherwise than as an overseas elector, was in pursuance of residence determined in accordance with section 6 of the 1983 Act (residence: merchant seamen)(a), and
 - (d) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was previously registered in respect of the address claimed as the qualifying address.
- (2) The registration officer may require the applicant to provide either or both of the following—
- (a) a copy of, or, where the registration officer considers it appropriate, the original of, any document which—
 - (i) bears the full current or previous name of the applicant, and
 - (ii) confirms that the applicant met the registration status requirement in paragraph (3);
 - (b) an attestation which—
 - (i) confirms the basis on which the applicant met the registration status requirement in paragraph (3),
 - (ii) indicates the dates between which, to the best of the attestor’s knowledge, the applicant met the requirement, and
 - (iii) meets the general attestation requirements in regulation 27ZH(1).
- (3) The registration status requirement is that the applicant—
- (a) where paragraph (1)(c)(i) applies, had a service qualification, or
 - (b) where paragraph (1)(c)(ii) applies, was a merchant seaman within the meaning of section 6 of the 1983 Act.
- (4) Paragraph (5) applies where the applicant indicates that they were eligible to make a service declaration because they were the spouse or civil partner of a person (“D”) mentioned in section 14(1)(a), (b) or (c) of the 1983 Act(b).
- (5) In addition to or instead of requiring evidence in accordance with paragraph (2)(a), the registration officer may require the applicant to provide the registration officer with a copy of, or, where the registration officer considers it appropriate, the original of, either of both of the following—
- (a) a document which—
 - (i) bears D’s full current or previous name, and
 - (ii) confirms D’s service qualification under section 14(1) of the 1983 Act;
 - (b) a document which—
 - (i) bears D’s full current or previous name, and
 - (ii) confirms that D was, at the time the document was issued, the applicant’s spouse or civil partner.
- (6) In this regulation—

(a) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).
 (b) Section 14(1) was amended by paragraph 80(2) and (3) of Schedule 27 to the Civil Partnership Act 2004 (c. 33).

“previous registration” means the registration referred to in section 1A(2)(a) of the 1985 Act;

“service qualification” has the same meaning as in section 14(1) of the 1983 Act.

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

27ZE.—(1) This regulation applies where—

- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
- (b) the application is made in reliance on the previous registration condition,
- (c) the applicant has indicated that their previous registration, or their last registration in the register otherwise than as an overseas elector, was in pursuance of a declaration of local connection, and
- (d) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was previously registered in respect of the address claimed as the qualifying address.

(2) This regulation also applies where—

- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
- (b) the application is made in reliance on section 1A(3)(b)(ii) of the 1985 Act (previous residence condition: declaration of local connection), and
- (c) the registration officer considers that additional evidence is necessary to be satisfied that, on the last day on which the applicant was resident in the United Kingdom, the applicant could have made a declaration of local connection.

(3) The registration officer may require the applicant to provide either or both of the following—

- (a) a copy of, or, where the registration officer considers it necessary, the original of, any document which—
 - (i) bears the full current or previous name of the applicant, and
 - (ii) confirms that section 7B of the 1983 Act (notional residence: declarations of local connection) applied to the applicant on the last day on which the applicant was resident in the United Kingdom;
- (b) an attestation which—
 - (i) confirms the basis on which the applicant met the local connection requirement,
 - (ii) indicates the dates between which, to the best of the attestor’s knowledge, the applicant met the local connection requirement, and
 - (iii) meets the general attestation requirements in regulation 27ZH(1).

(4) The local connection requirement is that—

- (a) where it is indicated that section 7B(2)(a) of the 1983 Act applied to the applicant on the last day on which the applicant was resident in the United Kingdom—
 - (i) the applicant was a patient in a mental hospital, and

- (ii) section 3A of the 1983 Act (disenfranchisement of offenders detained in mental hospitals)(a) and section 7A of the 1983 Act (residence: persons remanded in custody etc.)(b) did not apply to the applicant;
- (b) where it is indicated that section 7B(2)(b) of the 1983 Act applied to the applicant on the last day on which the applicant was resident in the United Kingdom—
 - (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 it is indicated that section 7B(2)(c) of the 1983 Act applied to the applicant on the last day on which the applicant was resident in the United Kingdom, the applicant was—
 - (i) a homeless person, and
 - (ii) not in legal custody.
- (5) For the purposes of paragraph (4), it is to be assumed that—
 - (a) sections 3A and 7A of the 1983 Act were in force at any relevant time, and
 - (b) section 7B of the 1983 Act was in force on the last day on which the applicant was resident in the United Kingdom.
- (6) In this regulation—
 - “homeless person” has the same meaning as in section 7B(2)(c) of the 1983 Act;
 - “previous registration” means the registration referred to in section 1A(2)(a) of the 1985 Act;
 - “a relevant order or direction” has the same meaning as in section 7A(6) of the 1983 Act.

Overseas electors: power to require attestation as to applicant’s connection to address claimed as qualifying address

- 27ZF.**—(1) This regulation applies where—
- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
 - (b) regulation 27ZD(1)(c) or 27ZE(1)(c) or (2)(b) applies, and
 - (c) the registration officer considers that additional evidence is necessary to be satisfied that the applicant has a previous connection to the address claimed as the qualifying address.
- (2) The registration officer may require the applicant to provide an attestation which—
- (a) confirms the basis on which the applicant met the qualifying address connection requirement,
 - (b) indicates the dates between which, to the best of the attester’s knowledge, the applicant met the requirement, and

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

(b) Section 7A was inserted by section 5 of the Representation of the People Act 2000 and amended by section 12(2) of the Electoral Administration Act 2006 (c. 22), paragraph 3 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), S.I. 2005/2078 and S.S.I. 2005/465. There are amendments to subsection (6), but none is relevant.

- (c) meets the general attestation requirements in regulation 27ZH(1).
- (3) The qualifying address connection requirement is—
 - (a) where the applicant claims that they had a service qualification, that the applicant would have been residing at the address claimed as the qualifying address but for the applicant’s service qualification;
 - (b) where the applicant claims that they were a merchant seaman, that the applicant—
 - (i) would have been residing at the address claimed as the qualifying address but for the applicant’s occupation as a merchant seaman, or
 - (ii) commonly stayed at the address claimed as the qualifying 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 the applicant claims that they were a patient in a mental hospital or detained, that the applicant would have been residing at the address claimed as the qualifying address if the applicant had not been a patient or detained;
 - (d) where the applicant claims that they were a homeless person, that the address claimed as the qualifying 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).
- (4) An attestation provided in accordance with this regulation may be combined with an attestation provided in accordance with regulation 27ZD(2)(b) or regulation 27ZE(3)(b) where the attestor for each attestation is the same.
- (5) In this regulation—
 - “merchant seaman” has the same meaning as in section 6 of the 1983 Act;
 - “service qualification” has the same meaning as in section 14(1) of the 1983 Act.

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

27ZG.—(1) This regulation applies where—

- (a) a person has made an application to be registered in pursuance of an overseas elector’s declaration, and
 - (b) any of conditions A to D are met.
- (2) Condition A is that the applicant has indicated in their declaration that their name has changed since they were last included in the register or since the last day on which they were resident in the United Kingdom.
- (3) Condition B is that—
- (a) the applicant has provided a document in accordance with regulation 27ZA(3) or (4), 27ZB(2), 27ZD(2)(a) or 27ZE(3)(a), and
 - (b) the applicant’s name in that document is different from both the applicant’s name in the applicant’s declaration and any name provided in accordance with regulation 20(2)(a)(ii)(aa) or (3)(a)(ii)(aa).
- (4) Condition C is that—
- (a) the applicant has provided the name of a parent or guardian in accordance with regulation 27ZA(2)(a), and
 - (b) the name provided is different from the name of the parent or guardian as it appears on—
 - (i) the register, or

(ii) a document provided in accordance with regulation 27ZA(3) or (4).

(5) Condition D is that—

- (a) the applicant has provided a document in accordance with regulation 27ZD(5)(a) and a document in accordance with regulation 27ZD(5)(b), and
- (b) the name of the applicant's spouse or civil partner in each of those documents is different.

(6) The registration officer may require the applicant to provide—

- (a) if Condition A is met, such evidence confirming the change of the applicant's name as the registration officer considers appropriate, except that the registration officer must require more than an explanation as to the difference in name;
- (b) if Condition B is met—
 - (i) an explanation as to the difference in name, or
 - (ii) such other evidence confirming the change of the applicant's name as the registration officer considers appropriate, and
- (c) if Condition C or D is met—
 - (i) an explanation as to the difference in name, or
 - (ii) where the applicant does not know the reason for the difference, a statement to that effect.

(7) Where the applicant provides a copy of a document in accordance with paragraph (6)(a) or (b)(ii), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.

Attestations: general requirements

27ZH.—(1) For the purposes of regulations 25A to 25C and 27ZC to 27ZF, the general attestation requirements are that the attestation must—

- (a) be in writing,
- (b) be made by a qualifying attester,
- (c) state the full name, date of birth, present address and occupation of the qualifying attester,
- (d) state the address in respect of which the qualifying attester is registered as an elector,
- (e) state—
 - (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the number of the qualifying attester's British or Irish passport 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)(a), that digital registration number;
 - (bb) in all other cases, the qualifying attester's electoral number,

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

- (f) if the attestation is required in connection with an application to be registered in pursuance of an overseas elector's declaration, provide an explanation as to the qualifying attester's ability to provide the information required about the applicant, including (but not limited to) the qualifying attester's connection to the applicant and the length of time that the connection has existed,
 - (g) state the name under which the qualifying attester is registered in a register of parliamentary or local electors if their name has changed since the entry on the register was made,
 - (h) state that the qualifying attester is aware of the penalty for providing false information to a registration officer,
 - (i) include a statement which confirms that all of the information provided in the attestation is true, and
 - (j) be signed and dated by the qualifying attester.
- (2) In this regulation, "qualifying attester" has the meaning given in regulation 27ZI(1).

Meaning of qualifying attester

27ZI.—(1) A "qualifying attester" is a person ("P") who—

- (a) is aged 18 years or over,
- (b) is registered in a register of parliamentary or local government electors,
- (c) is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (d) except where P is registered in pursuance of an overseas elector's declaration, is a person whom the registration officer is satisfied is of good standing in the community, and
- (e) meets the requirements of paragraph (2).

(2) P meets the requirements of this paragraph where—

- (a) if the attestation required is an attestation in accordance with regulation 25A(3), P has not already signed attestations to which paragraph (3) applies for two applicants since the relevant date;
- (b) if the attestation required is an attestation in accordance with regulation 25B(3), P has not already signed attestations in accordance with that regulation for two applicants since the relevant date;
- (c) if the attestation required is an attestation in accordance with regulation 25C(5), 27ZC(2), 27ZD(2)(b), 27ZE(3)(b) or 27ZF(2), P has not already signed attestations to which paragraph (4) applies for two applicants since the relevant date.

(3) This paragraph applies to an attestation made in accordance with any of the following provisions—

- (a) regulation 25A(3);
- (b) regulations 26B(6) and (6ZA) and 56C(5A) and (6) of the Representation of the People (England and Wales) Regulations 2001(a);
- (c) regulations 26B(6) and (6ZA) and 56C(5A) and (6) of the Representation of the People (Scotland) Regulations 2001(b);

(a) S.I. 2001/341. Relevant amending instruments are S.I. 2013/3198 and 2023/PVV and GBOE.

(b) S.I. 2001/497 (S. 2). Relevant amending instruments are S.I. 2013/3198 and 2023/PVV and GBOE.

- (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012(a);
- (e) regulation 72B(5A) and (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016(b);
- (f) regulation 7(6) of the Voter Identification Regulations 2022(c).

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

- (a) regulations 25C(5), 27ZC(2), 27ZD(2)(b), 27ZE(3)(b) and 27ZF(2);
- (b) regulations 26E(2), 26F(2)(b), 26G(3)(b) and 26H(3) of the Representation of the People (England and Wales) Regulations 2001(d);
- (c) regulations 26E(2), 26F(2)(b), 26G(3)(b) and 26H(3) of the Representation of the People (Scotland) Regulations 2001(e).

(5) In paragraph (2), the “relevant date” is whichever is the later of—

- (a) the date on which the revised register in which the attessor’s name appears was last published under section 13(1) of the 1983 Act(f), and
- (b) the date on which a notice specifying the attessor’s entry in the register was issued (or last issued) under section 13A(2), 13BA(3) or 13BC of that Act(g).”.

Amendment of regulation 27A (retention of registration information)

15. In regulation 27A (retention of registration information)(h)—

- (a) for the heading substitute “Processing of information provided in connection with an application for registration”;
- (b) before paragraph (1) insert—

“(A1) If a person provides an original document in accordance with regulation 25A(2), 25B(2), 25C(2), 27ZA(3) or (4), 27ZB(2), 27ZD(2)(a) or (5), 27ZE(3)(a) or 27ZG(7), the registration officer must make a copy of that document and return the original document to the person who provided it.”;

- (c) in paragraph (1), for paragraph (b) substitute—

“(b) must retain any other information or documents provided to the registration officer in connection with the application or, in the case of original documents which are returned under paragraph (A1), a copy of such documents.”.

(a) S.I. 2012/1917. Relevant amending instruments are S.I. 2022/1382 and S.I. 2023/GBOE.

(b) S.I. 2016/295. Relevant amending instruments are S.I. 2022/1382 and S.I. 2023/GBOE.

(c) S.I. 2022/1382. Relevant amending instrument is S.I. 2023/GBOE.

(d) Regulations 26E to 26H were inserted by S.I. 2023/GBOE.

(e) Regulations 26E to 26H were inserted by S.I. 2023/GBOE.

(f) 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).

(g) Section 13A was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 and amended by paragraph 4(2) and (3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) and paragraph 12(2)(b) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). There are other amendments to section 13A which are not relevant to these Regulations. Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006. Section 13BC was inserted by paragraph 7 of Schedule 2 to the Recall of MPs Act 2015 (c. 25).

(h) Regulation 27A was inserted by S.I. 2018/699 and amended by S.I. 2020/581.

Amendment of regulation 30 (procedure for determining applications for registration and objections without a hearing)

16. In regulation 30 (procedure for determining applications for registration and objections without a hearing)(a), omit paragraph (15) (definition of “qualifying address”).

Amendment of regulation 38A (anonymous registration: applications and declarations)

17. In regulation 38A (anonymous registration: applications and declarations)(b), in paragraph (1), for sub-paragraph (b) substitute—

- “(b) the address in respect of which the applicant is seeking to be registered, or is registered, in the register,
- (ba) if different to the address referred to in sub-paragraph (b), the applicant’s present address.”.

Amendment of regulation 41 (requests for information)

18. In regulation 41 (requests for information)(c)—

- (a) in paragraph (4)—
 - (i) omit the “or” at the end of each of sub-paragraphs (a) and (b);
 - (ii) at the end of sub-paragraph (c) insert—
 - “; or
 - (d) if paragraph (4A) applies, inform the registration officer that they have used all reasonable endeavours to locate the information but have been unable to do so.”;
- (b) after paragraph (4) insert—
 - “(4A) This paragraph applies where the information requested—
 - (a) came into the recipient’s control before 6th June 2007, and
 - (b) relates to a person who is seeking to be registered, or is registered, in pursuance of an overseas elector’s declaration.”;
- (c) after paragraph (7) insert—
 - “(8) But paragraph (7) does not apply where the request for information is in relation to a person who is seeking to be registered, or is registered, in pursuance of an overseas elector’s declaration.”.

Amendment of regulation 49 (qualifying addresses which are not included in the register)

19. In regulation 49 (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)”.

Amendment of regulation 53 (preparation and publication of list of overseas electors)

20. In regulation 53 (preparation and publication of list of overseas electors)(d)—

- (a) in paragraph (1)—
 - (i) after “prepare” insert “and maintain”;

(a) Regulation 30 was amended by S.I. 2014/1808 and 2018/699.
(b) Regulation 38A was inserted by S.I. 2014/1808.
(c) Regulation 41 was amended by section 20(4)(a) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13).
(d) Regulation 53 was amended by S.I. 2014/1808 and 2018/1310.

- (ii) after “of each person” insert “(P)”;
- (iii) omit the text after “(“the list of overseas electors”);
- (b) after paragraph (1) insert—
 - “(1ZA) The registration officer must include in the list of overseas electors—
 - (a) the address specified by P in the overseas elector’s declaration in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act, and
 - (b) P’s present address.”.

PART 3

Consequential amendment of other electoral legislation

Amendment of the Northern Ireland (Elections) Assembly Order 2001

- 21.**—(1) The Northern Ireland (Elections) Assembly Order 2001(a) is amended as follows.
- (2) In Schedule 2 (application and modification of the 2008 Regulations etc.), in the table, in the right hand column of the entry for regulation 3 (interpretation)—
- (a) the text after “In paragraph (1)” becomes sub-paragraph (a);
 - (b) after sub-paragraph (a) (as renumbered by sub-paragraph (a)) insert—
 - “(b) omit the definitions of “address claimed as the qualifying address”, “declaration of local connection”, “mental hospital”, “previous registration condition” and “previous residence condition”.”.

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

- 22.**—(1) The Representation of the People (England and Wales) Regulations 2001(b) are amended as follows.
- (2) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), in paragraph (6ZC) (meaning of “relevant identity attestation”), after paragraph (c) insert—
- “(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.
- (3) In regulation 26I (overseas electors: supplemental provision as to attestations and the meaning of “qualified attester”), in paragraph (4)—
- (a) omit the “and” at the end of paragraph (a);
 - (b) at the end of paragraph (b) insert—
 - “, and
 - (c) regulations 25C and 27ZC to 27ZF of the Representation of the People (Northern Ireland) Regulations 2008.”.
- (4) In regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary), in paragraph (8), after paragraph (c) insert—

(a) S.I. 2001/2599. Schedule 2 was substituted by S.I. 2009/256. There are other amending instruments, but none is relevant.
 (b) S.I. 2001/341. Relevant amending instruments are S.I. 2013/3198 and 2023/PPV and GBOE.

“(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.

Amendment of the Representation of the People (Scotland) Regulations 2001

23.—(1) The Representation of the People (Scotland) Regulations 2001(a) are amended as follows.

(2) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), in paragraph (6ZC) (meaning of “relevant identity attestation”), after paragraph (c) insert—

“(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.

(3) In regulation 26I (overseas electors: supplemental provision as to attestations and the meaning of “qualified attester”), in paragraph (4)—

(a) omit the “and” at the end of paragraph (a);

(b) at the end of paragraph (b) insert—

“, and

(c) regulations 25C and 27ZC to 27ZF of the Representation of the People (Northern Ireland) Regulations 2008.”.

(4) In regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary), in paragraph (8), after paragraph (c) insert—

“(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.

Amendment of the Police and Crime Commissioner Elections Order 2012

24.—(1) The Police and Crime Commissioner Elections Order 2012(b) is amended as follows.

(2) In Schedule 2 (absent voting in PCC elections), in paragraph 16C (power to request additional evidence in relation to absent vote applications where registration officer considers it necessary), in sub-paragraph (7), after paragraph (c) insert—

“(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.

Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016

25.—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016(c) are amended as follows.

(2) In regulation 72B (power to request additional evidence in relation to absent signing applications where registration officer considers it necessary), in paragraph (8), after sub-paragraph (c) insert—

“(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.

(a) S.I. 2001/497. Relevant amending instruments are S.I. 2013/3206 and by S.I. 2023/PPV and GBOE.

(b) S.I. 2012/1917. Relevant amending instruments are S.I. 2023 (PPV) and GBOE.

(c) S.I. 2016/295. Relevant amending instruments are S.I. 2023/PPV and GBOE.

Amendment of the Voter Identification Regulations 2022

26.—(1) The Voter Identification Regulations 2022(a) are amended as follows.

(2) In regulation 7 (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), in paragraph (7A), after sub-paragraph (c) insert—

“(ca) regulation 25A(3) of the Representation of the People (Northern Ireland) Regulations 2008;”.

PART 4

Transitional provisions

Transitional provisions: overseas electors

27.—(1) The amendments made by regulations 5 to 7, 13, 14, 19, 20(a)(ii) and (iii) and (b), 22 and 23 do not apply in relation to an application to which paragraph 13 of Schedule 7 to the Elections Act 2022 (pre-commencement applications for registration as an overseas elector)(b) applies.

(2) Paragraph (3) applies in relation to a person to whom paragraph 14(1) of Schedule 7 to the Elections Act 2022 (overseas electors registered pursuant to pre-commencement applications) applies.

(3) Regulation 23A(4) of the Representation of the People (Northern Ireland) Regulations 2008 (as inserted by regulation 8 above) is to be read as if for the definition of “relevant period” there were substituted the definition of “relevant period” in regulation 26(3) of those Regulations(c).

Transitional provisions: general

28.—(1) The amendments made by regulations 10, 11 and 15 do not apply in relation to an application under section 10A(1) of the 1983 Act (maintenance of the registers: registration of electors in Northern Ireland) made before the day on which these Regulations come into force.

(2) The amendments made by regulation 17 do not apply in relation to an application under section 9B(1)(a) or (b) of the 1983 Act (anonymous registration)(d) made before the day on which these Regulations come into force.

(3) The amendments made by regulation 18 do not apply in relation to an application under section 10A(1) or (4) of the 1983 Act made before the day on which these Regulations come into force.

[Date]

[Name]
Parliamentary Under Secretary of State
Northern Ireland Office

(a) S.I. 2022/1382 as amended by S.I. 2023/PPV and GBOE.

(b) 2022 c. 37.

(c) Regulation 26(3) was amended by S.I. 2010/882.

(d) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and extended to Northern Ireland by S.I. 2014/1116. Subsection (1) was substituted by paragraph 7(2) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

SCHEDULE

Preamble

Enabling powers

1. These Regulations are made under the following powers—
 - (a) the following provisions in the Representation of the People Act 1983—
 - (i) sections 9(2)(b)(a), 9B(1A)(b), 10A(1)(a)(c), 13A(2)(d), 13BA(3)(e), 13BC(2)(d)(f), 53(1)(a), (ba) and (c)(g) and 201(3)(h), and
 - (ii) in Schedule 2, paragraphs 1(2)(i) and (2A)(j), 1A(1)(k), 2A(l), 3ZB(1)(m), 3A(1), (3) and (5)(n), 3B(o), 4(1) to (3)(p), 5(1A) and (1AA)(q), 8(r), 8C(1)(a)(s) and 13(2);
 - (b) sections 1C(1)(f) and 1E(1)(e) of the Representation of the People Act 1985(t);
 - (c) section 34(4) and (6) of the Northern Ireland Act 1998(u);
 - (d) sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011(v);
 - (e) sections 18(1) and 21(3) of the Recall of MPs Act 2015(w).

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- (a) Section 9(2) was amended by paragraph 5(a) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). See section 202(1) for the meaning of “prescribed” in sections 9(2)(b), 9B(1A), 10A(1)(a), 13A(2), 13BA(3) and 13BC(2)(d).
 - (b) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and extended to Northern Ireland by S.I. 2014/1116. Sub-section (1A) was substituted by paragraph 7(2) of Schedule 4 to the Electoral Registration and Administration Act 2013.
 - (c) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Sub-section (1) was amended by paragraph 10(2) of Schedule 4 to the Electoral Registration and Administration Act 2013.
 - (d) Section 13A was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Sub-section (2) was amended by paragraph 4(3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006.
 - (e) Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
 - (f) Section 13BC was inserted by paragraph 7 of Schedule 2 to the Recall of MPs Act 2015 (c. 25).
 - (g) Sub-section (1) of section 53 was amended by paragraph 37 of Schedule 7 to the Representation of the People Act 2000. Sub-section (1A) was inserted by para (1)(b) of Schedule 2 to the Elections Act 2022 (c. 37).
 - (h) Section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 and amended by paragraph 6(7)(d) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
 - (i) Paragraph 1(2) was amended by paragraph 24(2) of Schedule 1 to the Representation of the People Act 2000 and by paragraph 20(2)(a) of Schedule 4 to the Electoral Registration and Administration Act 2013.
 - (j) Sub-paragraph (2A) was inserted by paragraph 2(2) of the Electoral Registration and Administration Act 2013 and amended by paragraph 3(2)(a) to (c) of Schedule 2 to the Elections Act 2022.
 - (k) Paragraph 1A was inserted by paragraph 2 of Schedule 2 to the Electoral Registration and Administration Act 2013. Sub-paragraph (1) was amended by section 20(2)(b) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and paragraph 4(2) of Schedule 2 to the Elections Act 2022.
 - (l) Paragraph 2A was inserted by section 5 of the Representation of the People Act 1989 (c. 28) and was amended by paragraph 24(4) of Schedule 1 to the Representation of the People Act 2000.
 - (m) Paragraph 3ZB was inserted by paragraph 4(2) of Schedule 7 to the Elections Act 2022.
 - (n) Section 3A was substituted by paragraph 6 to Schedule 2 to the Elections Act 2022.
 - (o) Section 3B was inserted by paragraph 15(4) of Schedule 1 to the Electoral Administration Act 2006.
 - (p) Paragraphs 4(2) was inserted by section 4 of the Representation of the People Act 1985. Paragraph 4(3) was inserted by paragraph 4(3) of Schedule 7 to the Elections Act 2022.
 - (q) Paragraph 5(1A) was inserted by section 4 of the Representation of the People Act 1985. Paragraph 5(1AA) was inserted by paragraph 4(4) of Schedule 7 to the Elections Act 2022.
 - (r) Paragraph 8 was substituted by paragraph 85 of Schedule 4 to the Representation of the People Act 1985.
 - (s) Paragraph 8C was inserted by paragraph 3 of Schedule 2 to the Electoral Registration and Administration Act 2013 and sub-paragraph (1) was amended by section 20(2)(c)(i) of the Northern Ireland (Miscellaneous Provisions) Act 2014 and by paragraph 10(a) of Schedule 2 to the Elections Act 2022.
 - (t) Sections 1C, 1D and 1E were substituted by section 14(1) of the Elections Act 2022. See section 202(1) of the Representation of the People Act 1983, as read with section 27(2) of the Representation of the People Act 1985, for the meaning of “prescribed”.
 - (u) 1998 c. 47.
 - (v) 2011 c. 13. Section 58(1) was amended by S.I. 2021/1265. Section 154(5) was amended by S.I. 2014/268 and 2021/1265.
 - (w) 2015 c. 25. See section 22(1) for the meaning of “the Minister”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Elections Act 2022 (c. 37) amended the Representation of the People Act 1985 (“the 1985 Act”) (c. 50) to expand the franchise for parliamentary elections in respect of British citizens overseas, removing the 15 year limit on voting for British citizens overseas and allowing registration based on both previous registration and previous residence in the United Kingdom.

Part 2 of these Regulations amends the Representation of the People (Northern Ireland) Regulations 2008 (“the 2008 Regulations”) (S.I. 2008/1741) to reflect the changes to the eligibility criteria for registration as an overseas elector and the process for remaining registered as an overseas elector.

Registration as an overseas elector under the 1985 Act (as amended) remains contingent on the making of an overseas elector’s declaration, with renewal declarations now moving to a three-year cycle. Regulation 5 substitutes the requirements which an overseas elector’s declaration must meet (in addition to those set out in the 1985 Act) to reflect the new eligibility criteria for registration. Regulation 8 inserts new regulations relating to the renewal process, covering reminders to make a renewal declaration, the contents of a renewal declaration and notification of the outcome.

Regulation 13 amends the criteria that an application for registration in pursuance of an overseas elector’s declaration must meet to reflect the new eligibility criteria for overseas electors, while regulation 14 specifies the evidence that a registration officer may require an applicant for registration as an overseas elector to provide in order to be satisfied that have the necessary connection to the address claimed as the qualifying address.

Regulation 18 makes amendments to provisions concerning the information that registration officers may request certain authorities to provide for the purposes of verifying information provided in support of an application for registration as an overseas elector. The exception for documents which came into the authority’s possession before 6th June 2007 is removed for the purposes of verifying information related to applications for registration as an overseas elector, but authorities are only required to use reasonable endeavours to locate such historic documents.

Part 2 of these Regulations also amends the 2008 Regulations to make changes which are not limited to overseas electors. Regulations 10 and 11 amend the evidence which must be provided in late registration cases if the registration officer so requires. The amendments made by regulation 15 require the registration officer to take a copy of an original document sent in accordance with the 2008 Regulations and to return the original document to the person who provided it.

Finally, Part 2 amends the interpretation provisions of the 2008 Regulations (see regulation 3) and also makes a number of consequential and clarificatory amendments to those Regulations (see regulations 4, 6, 7, 9, 12, 16 to 17, 19 and 20).

Part 3 of these Regulations makes consequential amendments to the Northern Ireland (Elections) Assembly Order 2001 (S.I. 2001/2599), the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497), the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917), the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295) and the Voter Identification Regulations 2022 (S.I. 2022/1382) (see regulations 21 to 26).

Part 4 of these Regulations contains transitional provisions (see regulations 27 and 28).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and community bodies is available from the Northern Ireland Office at 1 Horse Guards Road, London, SW1A 2HQ and published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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