

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Electoral Registration

Section 31: Regulations amending or supplementing section 30

151. **Section 31** provides for the Secretary of State, after consulting the Electoral Commission, to make regulations by statutory instrument either to amend or to supplement the provisions in relation to the collection of identifiers set out in section 30, so as to secure the registration objectives.
152. *Subsection (1)* gives powers for the Secretary of State to amend, by regulations, subsection (1) or (2) of section 30 in relation to identifying information: the signature, date of birth and NI number of electors, or indications to that effect for those without NI numbers or those who cannot give a signature. Consequently, the Secretary of State may also make other amendments to that section that seem desirable or necessary as a result of using that power.
153. *Subsection (1)* also gives the Secretary of State the power to make Regulations to supplement section 30. *Subsection (2)* gives further details of the kind of provision that may be made in such regulations. Of particular note is that the regulations may enable disclosure of NI information by the authority responsible for managing NI numbers to EROs, or the CORE Keeper. Regulations may only enable such information to be shared. The purpose of requesting this information is to ensure the accuracy of the register, or whether an individual is entitled to be registered, and for checking that an electoral register is accurate, or whether a person is entitled to be registered on it.
154. *Subsection (3)* sets out the terms of onward disclosure for a registration officer or CORE keeper: identifying information may only be disclosed for the purposes of checking the accuracy of the register or a person's entitlement to be registered or for the purposes of criminal or civil proceedings. In addition, information may be shared by an ERO with a person to whom the ERO has delegated functions, such as members of the ERO's administrative team.
155. *Subsection (4)* makes it an offence to disclose information outside the terms of *subsection (3)* and sets out the relevant penalties.
156. *Subsection (5)* provides that the Regulations may contain transitional or saving provision.
157. *Subsection (6)* states that the authority held by the Secretary of State to make Regulations to amend or supplement section 31 is exercisable under secondary legislation by statutory instrument. The relevant procedure for the first set of regulations is the affirmative resolution procedure (see *subsection (9)*). Any subsequent regulations will be subject to the negative resolution procedure (*subsection (10)*).

*These notes refer to the Political Parties and Elections Act
2009 (c.12) which received Royal Assent on 21 July 2009*

158. *Subsection (7)* provides that the Secretary of State is required to consult with the Electoral Commission prior to making regulations under this section. In addition, amendments to the type of identifying information to be requested from electors (as found in *subsection (1)* and *subsection (2)* of section 31) must be referred to the Electoral Commission for their views on whether the registration objectives would be met if it became compulsory for electors to provide identifying information to register.
159. *Subsection (8)* defines the registration objectives for the purposes of this Part. It outlines the priorities of accuracy and completeness in the register: those who are entitled to be registered should be registered; those who are not entitled should not be registered; and no information relating to a registered person should be false.