
Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Paragraph 17. (See end of Document for details)

SCHEDULES

SCHEDULE 1

VOTER IDENTIFICATION

- 17 (1) Rule 37 (voting procedure), as it extends to Northern Ireland, is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements: Northern Ireland”.
- (3) After paragraph (1A) insert—
- “(1AA) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”
- (4) In paragraph (1B), for the words from “the officer” to the end substitute “—
- (a) the officer or clerk decides that—
- (i) the document, or
- (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to a relevant provision (see paragraph (1DC)),
- raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (1EA)).”
- (5) In paragraph (1C)—
- (a) after “decides” insert “or reasonably suspects (as the case may be)”;
(b) after “voter” insert “(subject to paragraph (1DA))”.
- (6) In paragraph (1D), after “decides” insert “or reasonably suspects (as the case may be)”.
- (7) After paragraph (1D) insert—
- “(1DA) There is an exception from paragraph (1C) for cases within sub-paragraph (a) of paragraph (1B) where—
- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

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(1DB) The refusal to deliver a ballot paper under paragraph (1C) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1DA) apply on any further application.

(1DC) For the purposes of paragraph (1B)(a)(ii), “relevant provision” means—

- (a) where the voter is registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act, and
- (b) where the voter is registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), section 8(7A) of the Representation of the People Act 1985.”

(8) In paragraph (1E)—

- (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
- (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
- (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
- (d) after sub-paragraph (l) insert—
 - “(m) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;
 - (n) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”

(9) After paragraph (1E) insert—

“(1EA) In this rule a “forged document” means a false document made to resemble a specified document.”

(10) After paragraph (1F) insert—

“(1FA) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”

Commencement Information

- I1** Sch. 1 para. 17 not in force at Royal Assent, see [s. 67\(1\)](#)
- I2** [Sch. 1 para. 17\(1\)](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(ix\)](#)
- I3** [Sch. 1 para. 17\(1\)](#) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(d\)\(ix\)\(aa\)](#) (with [reg. 3\(1\)](#))
- I4** [Sch. 1 para. 17\(2\)-\(6\)](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(ix\)\(bb\)](#) (with [reg. 3\(1\)](#))
- I5** [Sch. 1 para. 17\(7\)](#) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(d\)\(ix\)\(cc\)](#) (with [reg. 3\(1\)](#))
- I6** [Sch. 1 para. 17\(8\)](#) in force at 27.8.2022 by [S.I. 2022/916](#), [reg. 2\(d\)\(ix\)](#)
- I7** [Sch. 1 para. 17\(9\)\(10\)](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(ix\)\(dd\)](#) (with [reg. 3\(1\)](#))

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