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STATUTORY INSTRUMENTS

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**2002 No. 1873**

**Representation of the People (Northern Ireland) (Amendment) Regulations 2002**

**Citation, interpretation and extent**

1.—(1) These Regulations may, be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2002.

(2) In these Regulations—

“the 2001 Regulations” means the Representation of the People (Northern Ireland) Regulations 2001(1); and

“the 1983 Act” means the Representation of the People Act 1983(2).

(3) These Regulations extend to Northern Ireland only.

**Commencement**

2.—(1) Subject to paragraphs (2) and (4) below, these Regulations shall come into force on the expiry of the period of 14 days beginning with the day on which these Regulations are made.

(2) Subject to paragraph (3) below, regulations 8, 15, 19(2) and 22 shall come into force on 1st December 2002.

(3) The coming into force of regulations 19(2) and 22 shall not apply in respect of an election where the last day for the publication of the notice of election is before 1st December 2002.

(4) Subject to paragraph (5) below, regulations 3(2)(b) and (c), 5(3) and (4), 6, 12 to 14 and 21 shall come into force on 18th November 2002.

(5) Where any revised version of the register of electors has not been published on or before 18th November 2002 under section 13(1) of the 1983 Act(3), paragraph (4) shall not have effect until it has been so published.

**Revocations**

3.—(1) The following regulations are hereby revoked.

(2) Those regulations are—

(a) regulation 34 (retaining entries in the register) of the 2001 Regulations;

(b) regulations 46 to 49 (supply and sale of register and list of overseas electors) of the 2001 Regulations;

(c) regulation 4 of the Representation of the People (Northern Ireland) (Amendment) Regulations 2001(4); and

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(1) S.I.2001/400; these Regulations have been amended by S.I. 2001/1877.

(2) 1983 c. 2.

(3) Section 13 was substituted by Schedule 1 to the Representation of the People Act 2000 (c. 2) (“the 2000 Act”).

(4) S.I. 2001/1877.

- (d) the Representation of the People (Form of Canvass) (Northern Ireland) Regulations 2001<sup>(5)</sup>.

### **Prescribed forms**

4. The form in Part I of Schedule 2 to these Regulations is hereby prescribed for the purposes of section 10(4) of the 1983 Act<sup>(6)</sup> (form of annual canvass).

### **Amendment of interpretation provisions**

- 5.—(1) Regulation 3(1) of the 2001 Regulations (interpretation) is amended as follows.
- (2) For the definition of “candidate” substitute:  
 ““candidate” has the same meaning as in section 118A of the 1983 Act<sup>(7)</sup>
- (3) Before the definition of “European Parliamentary overseas elector” insert:  
 ““edited register” has the meaning given in regulation 88(1) below;”.
- (4) After the definition of “European Parliamentary overseas elector’s declaration” insert:  
 ““full register” has the meaning given in regulation 88(1) below;”.
- (5) After the definition of “register” insert:  
 ““registration area” means the area covered by a particular register;”.

### **Amendment of provision about copies**

- 6.—(1) Regulation 7 of the 2001 Regulations (copies of documents) shall become paragraph (1) of regulation 7.
- (2) After that paragraph insert:
- “(2) Paragraph (1) does not apply to the full register.
- (3) A person inspecting the full register may not—
- (a) make copies of any part of it, or
- (b) record any particulars included in it, otherwise than by means of hand-written notes.
- (4) A person who inspects the full register and makes a copy of it or records any particulars included in it otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In this regulation “full register” includes—
- (a) any part of it; and
- (b) any notice published under section 13A(2) or 13B(3) of the 1983 Act<sup>(8)</sup> altering the register.”.

### **Inspection of return as to election expenses**

7. In regulation 10 of the 2001 Regulations (return and declaration of election expenses)—
- (a) omit paragraph (2), and

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(5) S.I. 2001/2725.

(6) Section 10 was substituted by Schedule 1 to the 2000 Act.

(7) Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000 (c. 41).

(8) Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act.

(b) in paragraph (3) for “document” substitute “any accompanying document”.

### **Electoral identity card**

8. After regulation 12 of the 2001 Regulations insert:

#### **“Applications for an electoral identity card**

**12A.**—(1) A person may apply for an electoral identity under section 13C of the 1983 Act<sup>(9)</sup> if he falls within the descriptions of person set out in paragraph (2) below.

(2) Those descriptions are—

- (a) a person who is registered in a register of parliamentary or local electors in Northern Ireland; or
- (b) a person who applies to be so registered at the same time as he applies for an electoral identity card.

(3) An application for an electoral identity card must state—

- (a) the applicant’s full name and date of birth;
- (b) the address in respect of which he is registered as an elector or in respect of which he applies to be so registered;
- (c) his national insurance number, if any;

and be signed by the applicant.”.

### **Amendment of rule 37(1E) of the parliamentary elections rules**

9. After rule 37(1E)(h) of the parliamentary elections rules in Schedule 1 to the 1983 Act<sup>(10)</sup> insert:

“(i) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002”.

### **Amendment of provision about applications**

**10.**—(1) Regulation 26 of the 2001 Regulations (applications for registration) is amended as follows.

(2) In paragraph (1) for “shall state” substitute “(“an application for registration”) shall, in addition to the requirements of section 10A(1A) and 13A(2A) of that Act<sup>(11)</sup>, state”.

(3) At the end of paragraph (1) insert:

“(f) in the case of an applicant who wishes his name and address to be omitted from the edited version of the register, that request”.

(4) In paragraph (2) for the word “application”, in the first place where it occurs, substitute “declaration”.

(5) In paragraph (3) for “under this regulation” substitute “for registration”.

(6) In paragraph (4) omit the words “signed and”.

(7) After paragraph (5) insert:

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<sup>(9)</sup> Section 13C was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13).

<sup>(10)</sup> Rule 37(1E) was inserted by section 1(2) of the Elections (Northern Ireland) Act 1985 (c. 2) and sub-paragraph (h) was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002.

<sup>(11)</sup> Sections 10A(1A) and 13A(2A) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

“(6) Where the registration officer provides the form on which an application for registration is made, the form of words in Part II of Schedule 2 to the Representation of the People (Northern Ireland) (Amendment) Regulations 2002 must form part of, or accompany, the application form.

(7) Where an application for registration is made otherwise than on a form provided by the registration officer, that officer must on or before the determination of the application send to the applicant the form of words referred to in paragraph (6) above and request the applicant to state within the period of 21 days of the date of that request if he wishes his name and address to be excluded from the edited version of the register.

(8) Where an applicant has not replied to the registration officer within the period of 21 days of the date when the registration officer issued the request under paragraph (7), the registration officer shall assume that the applicant does not request his name and address to be excluded from the edited version of the register.

(9) Where an applicant has replied making such a request within that period, the request shall be treated as part of the application for registration.”.

### **Disclosures relating to national insurance numbers**

11. After regulation 35 of the 2001 Regulations insert:

#### **“Disclosures relating to national insurance numbers**

**35A.**—(1) The Department for Work and Pensions (“the Department”) shall, following a request by the Chief Electoral Officer for Northern Ireland (“the relevant Officer”), disclose to him the matters set out in paragraph (2) below in respect of the individual specified or described in the request.

(2) Those matters are either—

- (a) that the individual in question is not recorded as having a national insurance number, or
- (b) the number recorded in respect of that individual together with—
  - (i) any name and former name,
  - (ii) the date of birth,
  - (iii) the sex, and
  - (iv) the address,

as recorded by the Department in respect of him.

(3) The Department may charge fees to the relevant Officer to cover its expenses in complying with such requests.”.

### **Amendment of provision about notices**

12. For regulation 36(2)(a) of the 2001 Regulations (issue of notices in connection with registration) substitute:

- “(a) making a printed copy of it available for inspection under supervision—
  - (i) at his office, and
  - (ii) at such places, if any, in the registration area as allow members of the public in that area reasonable facilities for that purpose;
- (aa) supplying copies of it in accordance with Part VI of these Regulations;”.

### **Manner of publication of register**

13. For regulation 43(1) of the 2001 Regulations (publication of register) substitute:

“(1) The manner in which each revised version of the full register is to be published under section 13(1) and (3) of the 1983 Act is by the registration officer—

- (a) making a printed copy of it available for inspection under supervision—
  - (i) at his office, and
  - (ii) at such places, if any, in each registration area as allow members of the public in that area reasonable facilities for that purpose, and
- (b) supplying copies of it in accordance with Part VI of these Regulations.”.

### **Manner of publication of list of overseas electors**

14. In regulation 45(3) of the 2001 Regulations (publication of the list of overseas electors) after “inspection” insert “under supervision”.

### **General requirements for an application for an absent vote**

15. In regulation 51(2) of the 2001 Regulations after “state” insert “, in addition to the matters required by section 6(1)(ba) to (bc) or section 7(1)(ba) to (bc) of the 1985 Act(12) in the case of an application under section 6(1) or 7(1),”.

### **Records kept under section 9(6) of the Representation of the People Act 1985**

16. In regulation 62(2) of the 2001 Regulations (requirement to make certain records available for inspection) for “9(9)” substitute “9(6)”.

### **Issue of postal ballot papers**

17. At the end of regulation 71 of the 2001 Regulations (procedure on issue of postal ballot paper) (13) insert:

“(6) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in regulation 73 below are to be sent is—

- (a) in the case of an elector, the address shown in the absent voters list;
- (b) in the case of a proxy, the address shown in the special list kept under section 9(9) of the 1985 Act.”.

### **Spoilt postal ballot papers**

18.—(1) Regulation 76 (spoilt postal ballot papers) of the 2001 Regulations is amended as follows.

(2) In paragraph (1) for the words from “, the declaration” to the end substitute “and the declaration of identity”.

(3) In paragraph (4) for “the declaration of identity and the ballot paper envelope” substitute “and the declaration of identity”.

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(12) Sections 6(1)(ba) to (bc) and 7(1)(ba) to (bc) were inserted by section 3 of the Electoral Fraud (Northern Ireland) Act 2002.

(13) Regulation 71 was amended by paragraph 30 of the Schedule to the Elections Act 2001 (c. 7).

### **Procedure in relation to declarations of identity on receipt of covering envelope**

**19.**—(1) Regulation 82 of the 2001 Regulations is amended as follows.

(2) For paragraph (1) substitute:

“(1) A declaration of identity is a valid declaration of identity for the purposes of this Part of these Regulations if—

- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and
- (b) in the case of an elector, the requirements of rule 45(2)(b) and (2A) of the elections rules<sup>(14)</sup> are satisfied.

(1A) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.”.

(3) For paragraphs (5) to (7) substitute:

“(5) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the returning officer shall open the envelope.

(6) Paragraph (7) below applies where—

- (a) there is a valid declaration of identity but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under regulation 81(3) or paragraph (5) above.

(7) In the circumstances described in paragraph (6) above, the returning officer shall place—

- (a) in the postal ballot paper box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under sub-paragraph (b) or (c) above.”.

### **Statement about postal votes**

**20.** In regulation 86(4) of the 2001 Regulations (forwarding of documents), for “Secretary of State” substitute “Electoral Commission”.

### **Supply of register, etc**

**21.** After regulation 86 of the 2001 Regulations insert:

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(14) Paragraphs (2)(b) and (2A) of rule 45 were inserted by section 3(4)(c) of the Electoral Fraud (Northern Ireland) Act 2002.

## “PART VI SUPPLY OF REGISTER ETC

### *Interpretation and edited register*

#### **Interpretation of Part VI etc**

**87.**—(1) In this Part “register” includes—

- (a) any part of it, and
- (b) except in regulation 88 and in the context of the supply by the registration officer of the register and notices, any notice altering the register which is published under section 13A(2) or 13B(3) of the 1983 Act<sup>(15)</sup>.

(2) In this Part—

- “enactment” has the same meaning as in section 17(2) of the 2000 Act; and
- “processor” has the meaning set out in regulation 108(1) below.

(3) In this Part, any reference to an employee of a person who has access to a copy of the full register includes—

- (a) any person working or providing services for the person who has such access, and
- (b) any person employed by or on behalf of, or working for, the person referred to in sub-paragraph (a).

(4) Any restriction on the use of a copy of the full register or information contained in it which is imposed by any regulation in this Part shall apply to a person to whom a copy of the full register has been supplied or information contained in it has been disclosed under the equivalent regulation in the Representation of the People (England and Wales) Regulations 2001<sup>(16)</sup>, as amended, or the Representation of the People (Scotland) Regulations 2001<sup>(17)</sup>, as amended.

(5) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act<sup>(18)</sup>, any duty on the registration officer to supply data under this Part imposes only a duty to supply data in the form in which he holds it.

(6) The registration officer shall not supply data which includes information not included in the printed version of the full register otherwise than under a provision in an enactment.

#### **Edited version of register**

**88.**—(1) At the time when the registration officer publishes a version of the register under section 13(1) or (3) of the 1983 Act<sup>(19)</sup>, (“the full register”), he shall publish a version of the register under this regulation (“the edited register”).

(2) The edited register shall omit the names and addresses of any elector included in the full register if a request has been duly made in the form referred to in section 10(4) of the

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<sup>(15)</sup> Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act.

<sup>(16)</sup> S.I. 2001/341; the Regulations are amended by the Representation of the People (England and Wales) (Amendment) Regulations 2002 (S.I. 2002/---).

<sup>(17)</sup> S.I. 2001/497; the Regulations are amended by the Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/---).

<sup>(18)</sup> The exercise of the powers in section 52(1) is made subject to section 8(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 52(1A), as inserted by Schedule 21 to that Act, is relevant to those powers.

<sup>(19)</sup> Sections 10 to 13 were substituted by Schedule 1 to the 2000 Act.

1983 Act or in accordance with regulation 26 above<sup>(20)</sup> by or on behalf of that elector for his name and address to be excluded from the edited register.

(3) In other respects the edited register shall be the same as the full register and shall include any marks or dates which are required to be recorded against the names of any electors.

(4) Notwithstanding the omission of names and addresses in accordance with paragraph (2), regulation 41 above shall apply to the edited register as it applies to the full register.

(5) Unless the contrary intention appears, any reference in these Regulations to the register is to the full register.

(6) The manner in which each revised version of the edited register is to be published under this regulation is—

- (a) by the registration officer making a copy of it available for inspection at his office; and
- (b) by such other means (if any) as he thinks appropriate.

(7) Each revised version of the edited register shall be kept published until the coming into force of the next revised version of it.

#### *General restrictions*

#### **Restrictions on supply of full register and disclosure of information from it by the Chief Electoral Officer and his staff**

**89.**—(1) This regulation applies to—

- (a) the Chief Electoral Officer,
- (b) any temporary deputy of his, and
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties.

(2) Where the Chief Electoral Officer is also the counting officer at a referendum held by or under an Act of Parliament (and thereby has access to the full register without being supplied with a copy of it), this regulation also applies to—

- (a) the Chief Electoral Officer in that capacity,
- (b) any deputy counting officer,
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties in respect of the referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the full register,
- (b) disclose information contained in it (and not contained in the edited register), or
- (c) make use of such information.

otherwise than in accordance with any enactment including these Regulations.

(4) Nothing in paragraph (3) above applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or the purposes of an election or referendum.

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<sup>(20)</sup> Regulation 26 is amended by regulation 10 of these Regulations.



**Restriction on use of the full register or information contained in it supplied in accordance with any enactment or otherwise obtained**

**90.**—(1) This regulation applies to—

- (a) any person to whom a copy of the full register has been supplied in pursuance of a relevant provision;
- (b) any person to whom information contained in the full register has been disclosed in pursuance of a relevant provision;
- (c) any person to whom a person referred to in sub-paragraph (a) or (b) has supplied a copy of the full register or information contained in it for the purposes (express or implied) of a relevant provision; and
- (d) any person who has obtained access to a copy of the full register or information contained in it by any other means.

(2) In this regulation “relevant provision” means any enactment except these Regulations which sets out, expressly or impliedly, the purpose for which a copy of the full register is to be supplied or information from that register disclosed under the enactment.

(3) No person to whom this regulation applies (except by virtue of paragraph (1)(d)) may—

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (and not contained in the edited register), or
- (c) make use of such information,

other than for the purpose (express or implied) for which the copy was supplied or the information disclosed to the person in question under the relevant provision.

(4) No person to whom this regulation applies by virtue of paragraph (1)(d) may—

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (and not contained in the edited register), or
- (c) make use of such information,

other than for any purpose for which a copy could be supplied or information could be disclosed to the person in question under any enactment (including these Regulations).

*Supply on publication and specific restrictions*

**Supply of free copy of full register to the British Library**

**91.** The registration officer shall supply, free of charge and on publication, one printed copy of—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act; and
- (b) any list of overseas electors;

to the British Library.

### **Supply of free copy of full register to deputy returning officer at local elections and restrictions on use**

**92.**—(1) Not later than five days before the last date for the publication of the notice of election at a local election, the registration officer shall supply free of charge to the deputy returning officer (within the meaning of article 9(2) of the Electoral Law (Northern Ireland) Order 1972<sup>(21)</sup>) at that election as many printed copies of—

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act, as the case may be; and
- (b) any notice setting out an alteration to that version of the register published under section 13A(2) or 13B(3) of that Act,

as the deputy returning officer may reasonably require for the purposes of the election, together with one copy in data form.

(2) No person to whom a copy of the register has been supplied under this regulation may—

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

other than for the purposes of the election.

(3) The restrictions in paragraph (2) above apply to a person to whom a copy of the full register has been supplied in accordance with this regulation or to whom such information has been so disclosed as it applies to the person to whom a copy of the register has been supplied under this regulation.

### **Supply of free copy of full register etc to the Northern Ireland Statistic and Research Agency and restrictions on use**

**93.**—(1) The registration officer shall supply, free of charge and on publication, one copy of—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) of that Act; and
- (c) any list of overseas electors,

to the Northern Ireland Statistic and Research Agency (in this regulation referred to as “the Agency”).

(2) In paragraph (1) the duty to supply is a duty to supply in data form unless, prior to publication, the Agency has requested in writing a printed copy instead.

(3) No person employed by the Agency may—

- (a) supply a copy of the full register other than to another such person;
- (b) disclose any information contained in it (and not contained in the edited register) otherwise than in accordance with paragraph (4) below; or
- (c) make use of any such information other than for statistical purposes.

(4) Such information may not be disclosed otherwise than—

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(21) S.I. 1972/1264 (N.I. 13).

- (a) by allowing a person using the premises of the Agency to inspect it under supervision; and
  - (b) by publishing information about electors which does not include the name or address of any elector.
- (5) A person who inspects the full register may not—
- (a) make copies of any part of it, or
  - (b) record any particulars included in it,
- otherwise than by means of hand-written notes.

### **Supply of free copy of full register etc to Electoral Commission**

**94.**—(1) The registration officer shall supply, free of charge and on publication, one copy of—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) of that Act, and
- (c) any list of overseas electors,

to the Electoral Commission (in this regulation referred to as “the Commission”).

(2) In paragraph (1) the duty to supply is a duty to supply in data form unless, prior to publication, the Commission has requested in writing a printed copy instead.

(3) Neither an Electoral Commissioner nor any employee of the Commission may—

- (a) supply a copy of the full register otherwise than to an Electoral Commissioner or another such employee;
- (b) disclose any information contained in it (and not contained in the edited register) otherwise than in accordance with paragraph (4) below; or
- (c) make use of any such information otherwise than in connection with the Commission’s functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000.

(4) Neither the full register nor any such information may be disclosed otherwise than—

- (a) where necessary to discharge the Commission’s functions in relation to the rules on permissible donors in the Political Parties, Elections and Referendums Act 2000, or
- (b) by publishing information about electors which does not include the name or address of any elector.

(5) In this regulation “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner.

### **Supply of free copy of full register etc to Local Government Boundary Commissioner and Boundary Commission and restrictions on use**

**95.**—(1) On the appointment of a Local Government Boundary Commissioner under section 50(1A) of the Local Government Act (Northern Ireland) 1972<sup>(22)</sup>, the registration officer shall supply free of charge one copy of each of the documents listed in paragraph (3) below.

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(22) 1972 c. 9 (N.I.); section 50(1A) was inserted by S.I. 1990/2149.

(2) The registration officer shall supply, free of charge and on publication, one copy of each of the documents listed in paragraph (3) below to the Boundary Commission for Northern Ireland.

(3) Those documents are—

- (a) any revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) of that Act; and
- (c) any list of overseas electors.

(4) In paragraphs (1) and (2) above the duty to supply is a duty to supply in data form unless—

- (a) in the case of paragraph (1), prior to supply the Commissioner has,
- (b) in the case of paragraph (2), prior to publication the Commission have,

requested in writing a printed copy instead.

(5) In paragraph (6) below “a relevant person” means—

- (a) the Commissioner referred to in paragraph (1) above or any person appointed to assist him;
- (b) a member of the Commission referred to in paragraph (2) above or—
  - (i) a person employed by that Commission, or
  - (ii) a person appointed to assist that Commission to carry out their functions.

(6) A relevant person may not—

- (a) supply a copy of the full version of the register otherwise than to another relevant person;
- (b) disclose any information contained in it (and not contained in the edited register) otherwise than by publishing information about electors which does not include the name and address of any elector;
- (c) process or make use of any such information other than in connection with the statutory functions in question.

#### *Supply on request and specific restrictions*

#### **Supply of full register etc under regulations 97 to 102: general provisions**

**96.**—(1) The persons or organisations falling within regulations 97 to 102 below may request the registration officer to supply free of charge the relevant part (within the meaning of those regulations) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) of that Act;
- (c) a list of overseas electors.

(2) Such a request shall be made in writing and shall—

- (a) specify the documents requested;
- (b) subject to paragraph (5) below, state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any

subsequent document on publication for as long as the person making the request falls within the category of person entitled to receive such copies; and

- (c) state whether a printed copy of any of the documents is requested instead of the version in data form.

(3) Unless a request has been made in advance of supply under paragraph (2)(c) above, the copy of a document supplied under this regulation shall be in data form.

(4) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) above in accordance with a request that has been duly made.

(5) A person falling within regulation 101 below may not make the request set out in paragraph (2)(b) above.

(6) A person who obtains a copy of any document under paragraph (4) above may use it for any purpose for which that person would be entitled to obtain the document under this Part and any restrictions which apply under whichever of regulations 97 to 102 entitles that person to obtain the document for that purpose shall apply to such use.

#### **Supply of full register etc to elected representatives and restrictions on use**

**97.—**(1) This regulation applies to—

- (a) the Member of Parliament for any constituency in Northern Ireland;
- (b) each Member of the European Parliament for the electoral region of Northern Ireland;
- (c) each Member of the Northern Ireland Assembly; and
- (d) each councillor for a district electoral area in Northern Ireland.

(2) For the purposes of regulation 96(1) above the relevant part of the documents listed in that provision—

- (a) in the case of a Member of Parliament or of the Northern Ireland Assembly, is so much of them as relate to the constituency which he represents;
- (b) in the case of a Member of the European Parliament, is the whole of them, and
- (c) in the case of a councillor for a district electoral area, is so much of them as relate to that area.

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register),  
or
- (c) make use of any such information,

otherwise than for purposes in connection with the office by virtue of which he is entitled to the full register or for electoral purposes.

(4) The restrictions in paragraph (3) above apply to a person to whom any of the full register has been supplied or such information disclosed under that paragraph as they apply to the person to whom this regulation applies.

#### **Supply of full register etc to holders of relevant elective offices and candidates**

**98.—**(1) This regulation applies to—

- (a) the holder of a relevant elective office within the meaning of paragraph 1(8) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000;
- (b) a candidate at a parliamentary election or an election to the Northern Ireland Assembly.

(2) For the purposes of regulation 96(1) above, the relevant part of the documents listed in that provision is the whole of them.

(3) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register), or
- (c) make use of any such information,

otherwise than for the purpose set out in paragraph (4) below.

(4) That purpose—

- (a) in the case of a person falling within paragraph (1)(a), is complying with the controls on donations contained in Schedule 7 to the Political Parties, Elections and Referendums Act 2000;
- (b) in the case of a person falling within paragraph (1)(b), is complying with the controls on donations included in Schedule 2A to the 1983 Act<sup>(23)</sup>, including that Schedule as applied for the purposes of elections to the Northern Ireland Assembly<sup>(24)</sup>.

### **Supply of full register etc to local constituency parties and restrictions on use**

**99.**—(1) This regulation applies to any person nominated to act for the purposes of this regulation for a particular constituency in Northern Ireland by the registered nominating officer (within the meaning of section 24 of the Political Parties, Elections and Referendums Act 2000) of a registered political party.

(2) Not more than one person for the same constituency may be nominated under paragraph (1) above in respect of the same registered political party and constituency.

(3) In the case of a person to whom this regulation applies, the relevant part of the documents listed in regulation 96(1) above is so much of them as relate to the constituency in question.

(4) No person to whom this regulation applies who has been supplied with a copy of the register may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (and not contained in the edited register), or
- (c) make use of any such information,

otherwise than for electoral purposes or the purposes of electoral registration.

(5) The restrictions in paragraph (4) above apply to a person to whom any of the full register has been supplied or such information disclosed under that paragraph as they apply to the person to whom this regulation applies.

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<sup>(23)</sup> Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000.

<sup>(24)</sup> That Schedule was so applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).

### **Supply of full register etc to registered political parties etc and restrictions on use**

**100.**—(1) This regulation applies to—

- (a) a registered political party other than a minor party, within the meaning of section 160(1) of the Political Parties, Elections and Referendums Act 2000;
- (b) a recognised third party within the meaning of section 85(5) of that Act, other than a registered political party; and
- (c) a permitted participant within the meaning of section 105(1) of that Act, other than a registered political party.

(2) In the case of the parties and participants to whom this regulation applies, the relevant part of the documents listed in regulation 96(1) above is the whole of them.

(3) No person employed by, or assisting (whether or not for reward) a party or participant to which this regulation applies and to which a copy of the register has been supplied may—

- (a) supply a copy of the full register to any person,
- (b) disclose any information contained in it (and not contained in the edited register), or
- (c) make use of any such information,

otherwise than for the purposes set out in paragraph (4) below.

(4) Those purposes are—

- (a) in the case of a party falling within paragraph (1)(a) or (b)—
  - (i) electoral purposes; and
  - (ii) the purpose of complying with the controls on donations under Part IV of or, as the case may be, Schedule 11 to, the Political Parties, Elections and Referendums Act 2000; and
- (b) in the case of a permitted participant within the meaning of section 105(1) of that Act—
  - (i) purposes in connection with the campaign in respect of the referendum identified in the declaration made by the participant under section 106 of that Act; and
  - (ii) the purposes of complying with the controls on donations in Schedule 15 to that Act.

(5) The restrictions in paragraph (3) above apply to a person to whom any of the full register has been supplied or such information disclosed under that paragraph as they apply to persons referred to in that paragraph.

### **Supply of full register etc to certain candidates and restrictions on use**

**101.**—(1) This regulation applies to a candidate at—

- (a) a parliamentary or European Parliamentary election in Northern Ireland,
- (b) an election to the Northern Ireland Assembly, and
- (c) a local election in Northern Ireland.

(2) For the purposes of regulation 96(1) above, the relevant part of the documents listed in that provision is so much of them as relate to the area for which the candidate is standing.

(3) No candidate to whom a copy of the register has been supplied by virtue of this regulation may—

- (a) supply a copy of the full register to any person,

- (b) disclose any information contained in it (and not contained in the edited register), or
  - (c) make use of any such information,
- other than for electoral purposes.
- (4) The restrictions in paragraph (3) above apply to a person to whom any of the full register has been supplied or such information disclosed under that paragraph as they apply to persons referred to in that paragraph.

### **Supply of full register etc to police forces and restrictions on use**

- 102.**—(1) This regulation applies to—
- (a) a police force in Great Britain;
  - (b) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
  - (c) the National Criminal Intelligence Service;
  - (d) the National Crime Squad;
  - (e) the Police Information Technology Organisation; and
  - (f) any body of constables established under Act of Parliament.
- (2) For the purpose of regulation 96(1) above, the relevant part of the documents listed in that provision is the whole of them.
- (3) No person serving whether as a constable, officer or employee in any of the forces and organisations to which this regulation applies may—
- (a) supply a copy of the full register to any person,
  - (b) disclose any information contained in it (and not contained in the edited register), or
  - (c) make use of any such information,
- otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere).
- (4) The restrictions in paragraph (3) above apply to a person to whom any of the full register has been supplied or such information disclosed under that paragraph as they apply to persons referred to in that paragraph.

### *Sale of edited and full register and specific restrictions*

#### **Sale of edited register**

- 103.**—(1) The registration officer shall supply a copy of the edited register to any person on payment of a fee calculated in accordance with paragraph (2) below.
- (2) In the case of the register—
- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
  - (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.



**Sale of full register etc: restrictions on supply, charges, etc**

**104.**—(1) The registration officer may not sell a copy of—

- (a) the full register,
- (b) any notice under section 13A(2) or 13B(3) of the 1983 Act altering the register (“a relevant notice”), or
- (c) the list of overseas electors,

except to a person who is entitled under regulations 106 and 107 below to purchase them.

(2) The fee for such sale is to be calculated in accordance with paragraphs (3) to (6) below.

(3) Where a person purchases the full register together with any relevant notices which are published at that time altering the register, the register and the notices shall be treated as the same document for the purposes of the calculations set out in paragraph (5) below; and any entry in the register which is deleted by a notice shall accordingly be ignored for the purposes of the calculation.

(4) Where a person purchases a relevant notice separately from the full register, the calculations set out in paragraph (5) below shall be applied to that notice.

(5) Subject to paragraph (3) above, in the case of the register or a relevant notice—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

(6) In the case of the list of overseas electors—

- (a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 100 entries (or remaining part of 100 entries) in it; and
- (b) in printed form, the fee shall be at the rate of £10 plus £5 for each 100 entries (or remaining part of 100 entries) in it.

(7) In any copy of the full register which is sold in accordance with regulations 106 and 107 below, the letter “X” shall be placed against the name of any person whose name is not included in the edited version of the register.

**Sale of full register etc: general provisions**

**105.**—(1) This regulation applies in respect of the supply on payment of a fee of copies of the full register, including any notice published under section 13A(2) or 13B(3) of the 1983 Act altering that register, in accordance with regulations 106 and 107 below.

(2) The registration officer shall not supply a printed copy of the full register under those regulations if to do so would result in his having insufficient copies of it for the purposes of any requirement made by or under any enactment.

(3) In those regulations “the relevant restrictions” means the restrictions set out in paragraphs (4) and (5) below.

(4) No person in a body to which a copy of the register has been supplied under regulations 106 and 107 below may—

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (and not contained in the edited register); or
- (c) make use of any such information,

other than for the purpose set out in the regulation by virtue of which the full register has been supplied.

(5) The restrictions in paragraph (4) above apply to a person to whom a copy of the full register has been supplied in accordance with regulations 106 and 107 below or to whom such information has been so disclosed as it applies to a person in the body to which the copy of the full register was supplied under the regulation in question.

(6) In this regulation and regulations 106 and 107 below, “a relevant document” means—

- (a) the full register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice published under section 13A(2) or 13B(3) of that Act amending it; and
- (c) the list of overseas electors.

(7) A request to purchase a relevant document must be made in writing and must—

- (a) specify the documents requested;
- (b) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent documents on publication for as long as the person making the request pays for them; and
- (c) state whether a printed copy of any document is required instead of the version in data form.

#### **Sale of full register etc to government departments**

**106.**—(1) Subject to regulation 105(2) above, the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 104 above a copy of a relevant document to a government department.

(2) For the purposes of regulation 105(3) above, the relevant restrictions apply except for the purpose of—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere) ;
- (b) the vetting of employees and applicants for employment; and
- (c) supply and disclosure in accordance with paragraph (3) below.

(3) A government department may supply (whether or not on payment) a copy of the full register to a person (“an authorised person”) so that he may disclose information contained in it in accordance with paragraph (5) below.

(4) In this regulation any reference to an authorised person includes a reference to his employees.

(5) Information contained in the full register (and not contained in the edited register) may not be disclosed by an authorised person except to any person falling within regulations 97 to 101 above for use for the purpose for which the person in question could obtain the full register under the regulation concerned.

(6) The restrictions in regulations 97 to 101 apply to a person to whom such information is disclosed under paragraph (5) as it applies to a person to whom those regulations apply.

#### **Sale of full register etc to credit reference agencies**

**107.**—(1) Subject to regulation 105(2) above, the registration officer shall supply on request and on payment of a fee calculated in accordance with regulation 104 above a copy of a relevant document to a credit reference agency registered under Part III of the Consumer

Credit Act 1974<sup>(25)</sup> (by virtue of section 147 of that Act) and which is carrying on the business of providing credit reference services.

(2) For the purposes of regulation 105(3) above, the relevant restrictions apply except for the purposes set out in paragraph (3) below.

(3) Those purposes are:

- (a) vetting applications for credit or applications that can result in the giving of credit;
- (b) meeting any obligation contained in—
  - (i) The money Laundering Regulations 1993<sup>(26)</sup>,
  - (ii) the Money Laundering Regulations 2001<sup>(27)</sup>,
  - (iii) any regulations amending or replacing either of those sets of Regulations, or
  - (iv) any rules made under section 146 (money laundering rules) of the Financial Services and Markets Act 2000<sup>(28)</sup>; and
- (c) statistical analysis of credit risk assessment in a case where no person included in the register is referred to by name or necessary implication.

(4) In this regulation—

“application for credit” includes an application to refinance or reschedule an existing credit agreement;

“credit” includes a cash loan and any other form of financial accommodation; and

“credit reference services” means the furnishing of persons with information relevant to the financial standing of individuals, which is information collected by the person furnishing it for the purpose of so furnishing it.

#### *Supply to processor and offences*

#### **Supply of register to processor**

**108.**—(1) In this Part, “processor” means a person—

- (a) who provides a service which consists of putting information into the form of data or processing information in such a form; and
- (b) who carries on the business of providing that service in the European Economic Area;

and any reference to a processor includes a reference to his employees.

(2) Any person who has obtained a copy of the full register under regulations 94, 95, 97, 99, 100, 102, 106 and 107 above may supply a copy of the full register to a processor.

(3) A processor must not supply a copy of the full register or disclose information contained in it (and not contained in the edited register) except to—

- (a) the person who supplied the register to him, or
- (b) any person who is entitled to obtain a copy of the full register under this Part or the employee of such a person.

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<sup>(25)</sup> 1974 c. 39.

<sup>(26)</sup> S.I. 1993/1933.

<sup>(27)</sup> S.I. 2001/3641.

<sup>(28)</sup> 2000 c. 8.

### **Offences in respect of contravention of Part VI regulations**

**109.**—(1) A person who contravenes the provisions specified in paragraph (2) below shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Those provisions are regulations 89(3), 90(3) and (4), 92(2) and (3), 93(3) and (5), 94(3), 95(6), 97(3) and (4), 98(3), 99(4) and (5), 100(3) and (5), 101(3) and (4), 102(3) and (4), 105(4) and (5), 106(5) and (6) and 108(3) above.

(3) It is a defence for a person charged with an offence under paragraph (1) above to prove that he took all reasonable steps and exercised all due diligence to prevent the contravention.

(4) A person to whom paragraph (5) below applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale where—

- (a) a contravention of the provisions referred to in paragraph (2) above has occurred on the part of a person (“the employed person”) in the employment, or otherwise under the direction or control, of the company or other organisation in which the person to whom paragraph (5) applies holds office, and
- (b) the person to whom paragraph (5) below applies has failed to take the steps specified in paragraph (6) below.

(5) This paragraph applies to a director of a company or a person concerned with the management of an organisation.

(6) The steps referred to in paragraph (4)(b) above are such steps as it would be reasonable for a person to whom paragraph (5) applies to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a contravention of the provisions referred to in paragraph (2) above on the part of the employed person.”

### **Declaration of identity**

**22.** In Form G in Schedule 3 to the 2001 Regulations (form of declaration of identity) after “sent” insert:

“Except where the voter is a proxy: My date of birth is ... ..”

Northern Ireland Office  
24th July 2002

*John Reid*  
One of Her Majesty’s Principal Secretaries of  
State