EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Representation of the People (Northern Ireland) Regulations 2001 (S.I.2001/400)("2001 Regulations") to enable the Chief Electoral Officer for Northern Ireland to request information from local and public authorities in Northern Ireland.

Section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) ("2006 Act") removed the legal obligation to conduct an annual canvass in Northern Ireland. The annual canvass has been replaced with a more extensive system of continuous updating of the electoral register. The Chief Electoral Officer, as the registration officer for all constituencies in Northern Ireland, has responsibility for maintaining the electoral register in Northern Ireland. Section 10ZB of the Representation of the People Act 1983 (c.2), as inserted by section 4 of the 2006 Act, sets out the "relevant registration objectives" which the registration officer must aim to meet in maintaining the register. In order to assist the registration officer in meeting the registration objectives under the new system of continuous updating, these Regulations enable him to request information for the purposes of ensuring that the register is accurate and comprehensive.

Regulation 3 substitutes new regulations 35, 35A and 35B for regulations 35 and 35A of the 2001 Regulations, which gave the registration officer powers to inspect records of certain public authorities and to request information relating to national insurance numbers from the Department for Work and Pensions respectively. New regulation 35 sets out the form which a request for information by the registration officer must take and the response required by the recipients of the request. New regulation 35A(2) sets out the public authorities which are required to supply the registration officer with information following a request made under regulation 35. New regulation 35A(3) to (6) set out the information which the registration officer may require in relation to people and buildings. New regulation 35B safeguards the onwards transmission of the information by providing that the information may only be passed to a third party for the purposes of meeting the registration objectives or for criminal or civil proceedings. It is an offence to disclose information in breach of these safeguards.