
STATUTORY INSTRUMENTS

2014 No. 1808

The Representation of the People (Northern Ireland) (Amendment) Regulations 2014

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

10. After regulation 38 insert—

“Anonymous registration: applications and declarations

38A.—(1) An application for an anonymous entry must state—

- (a) the applicant’s full name,
- (b) the address given in accordance with regulation 27(1)(b),
- (c) the reason for the application, and
- (d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by—

- (a) evidence of the nature prescribed in regulation 38C or 38D, and
- (b) an application for an absent vote.

(4) Where the evidence mentioned in paragraph (3)(a) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) are true,
- (b) so far as the applicant is aware, the evidence provided in pursuance of paragraph (3)(a) is genuine, and
- (c) where paragraph (4) applies—
 - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
 - (ii) so far as the applicant is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

(7) In this regulation, “an application for an absent vote” means—

- (a) in relation to parliamentary elections, an application under section 6 of the 1985 Act⁽¹⁾;

(1) 1985 c. 50; sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the Representation of the People Act 2000 (c. 2); sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the Representation of the People Act 2000 (c. 2), and by article 6 of S.I. 2014/1116.

- (b) in relation to local elections, an application under paragraph 1 of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(2).

Anonymous registration: determination of applications by the registration officer

38B.—(1) Paragraph (2) applies where—

- (a) in the case of an application under section 9B(1)(a) of the 1983 Act, the registration officer determines that the applicant for an anonymous entry is entitled to be registered, and
- (b) in the case of an application under section 9B(1)(a) or (b) of that Act, the application for an anonymous entry is made in accordance with regulation 38A.

(2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where that officer is satisfied—

- (a) that the evidence provided in support of the application in pursuance of regulation 38A(3)(a) constitutes evidence of the nature prescribed in regulation 38C or 38D, and
- (b) in the case of an application where paragraph (4) of regulation 38A applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

(3) The registration officer must determine the date on which the applicant’s entitlement to remain registered with an anonymous entry terminates (the “date of termination”) in accordance with paragraphs (4) and (5).

(4) Where the evidence provided under regulation 38A(3)(a) is evidence of the nature prescribed in regulation 38C, the date of termination is whichever is the earlier of the following—

- (a) the date on which the relevant order or injunction will expire or will cease to be a relevant order or injunction within the meaning of regulation 38C(3)(a)(3) (where such a date is specified in the relevant order or injunction), or
- (b) the end of the period of five years, beginning with—
- (i) in the case of an application under section 9B(1)(a) of the 1983 Act, the date when the person’s entry in the register first takes effect; or
- (ii) in the case of an application under section 9B(1)(b) of that Act, the date when the Chief Electoral Officer determines under section 9B(2) of that Act that the safety test is satisfied.

(5) Where the evidence provided under regulation 38A(3)(a) is evidence of the nature prescribed in regulation 38D, the date of termination is the date on which the attestation will cease to have effect under regulation 38D(3)(4).

Anonymous registration: evidence consisting of relevant court orders or injunctions

38C.—(1) Evidence which meets the following conditions is prescribed for the purpose of regulation 38A(3)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(2) [S.I. 1985/454](#); paragraph 1 was amended by [S.I. 2002/2835](#), [S.I. 2005/1969](#) and [S.I. 2010/2977](#).

(3) An order might cease to be a relevant order or injunction within the meaning of regulation 38C(3) where, although the order remains in force, the power of arrest attached to that order has expired (see regulation 38C(3)(p)).

(4) An attestation under regulation 38D(3) can have effect for a maximum period of five years from the date the attestation was made.

- (3) A relevant order or injunction is—
- (a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(5);
 - (b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997;
 - (c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997;
 - (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
 - (e) a non-harassment order, interdict or interim interdict made under section 8 or 8A of the Protection from Harassment Act 1997;
 - (f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(6);
 - (g) a non-molestation order made under section 42(2) of the Family Law Act 1996(7);
 - (h) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997(8);
 - (i) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997;
 - (j) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997;
 - (k) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(9).
 - (l) a matrimonial interdict within the meaning of section 14 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(10);
 - (m) a domestic interdict within the meaning of section 18A of the Matrimonial Homes (Family Protection) (Scotland) Act 1981;
 - (n) a relevant interdict within the meaning of section 113 of the Civil Partnership Act 2004(11);
 - (o) an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the Domestic Abuse (Scotland) Act 2011(12);

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- (5) 1997 c. 40; sections 3, 3A and 5 were amended by section 125 of the Serious Organised Crime and Police Act 2005 (c. 15). Section 5 was amended by section 12 of, paragraph 43 of Schedule 10 to, and Schedule 11 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 5A was inserted by section 12 of the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 8 was amended by section 1 of the Domestic Abuse (Scotland) Act 2011 asp 13 and section 16 of, and Schedule 2 to, the Damages (Scotland) Act 2011 asp 7. Section 8A was inserted by section 1(2) of the Domestic Abuse (Scotland) Act 2011 asp 13.
- (6) 1995 c. 46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c. 40) and was amended by section 15 of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13, section 49 of the Criminal Justice (Scotland) Act 2003 asp 7, and Schedule 3 to the Crime and Punishment (Scotland) Act 1997 (c. 48).
- (7) 1996 c. 27; section 42 was amended by Schedules 10 and 11 to the Domestic Violence, Crime and Victims Act 2004 (c. 28), and by Schedule 9 to the Civil Partnership Act 2004 (c. 33).
- (8) S.I. 1997/1180 (N.I. 9); article 7 was amended by section 13 of, paragraph 47 of Schedule 10 to, and Schedule 11 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28); article 7A was inserted by section 13 of that Act.
- (9) S.I. 1998/1071 (N.I. 6); article 20 was amended by section 206 of, and paragraph 15 of Schedule 19 to, the Civil Partnership Act 2004 (c. 13) and by S.I. 2005/1452.
- (10) 1981 c. 59; section 14 was amended by section 10 of, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2, and by S.S.I. 2006/384; section 18A was inserted by section 31 of the Family Law (Scotland) Act 2006 asp 2.
- (11) 2004 c. 33; section 113 was amended by sections 33 and 45 of, paragraph 8 of Schedule 1 to, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2, and by S.S.I. 2006/384.
- (12) 2011 asp 13.

- (p) any interdict with an attached power of arrest made under section 1 of the Protection from Abuse (Scotland) Act 2001⁽¹³⁾; or
- (q) a forced marriage protection order or interim forced marriage protection order made under any of the following provisions—
 - (i) Part 4A of the Family Law Act 1996⁽¹⁴⁾;
 - (ii) section 2 of, and paragraph 1 of Schedule 1 to, the Forced Marriage (Civil Protection) Act 2007⁽¹⁵⁾;
 - (iii) section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011⁽¹⁶⁾;
 - (iv) section 5 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011.
- (4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—
 - (a) the applicant for an anonymous entry, or
 - (b) another person of the same household as the applicant.
- (5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

Anonymous registration: evidence by attestation

- 38D.**—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulation 38A(3)(a).
- (2) The attestation must—
 - (a) certify that the safety of the applicant, or of another named person of the same household as the applicant, would be at risk if the register contained the name of the applicant or the applicant’s qualifying address,
 - (b) state the date on which it is made, and
 - (c) be in writing and signed by a qualifying officer.
 - (3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.
 - (4) Qualifying officer means—
 - (a) a police officer of or above the rank of superintendent of the Police Service of Northern Ireland;
 - (b) a police officer of or above the rank of superintendent of any police force in England and Wales;
 - (c) a police officer of or above the rank of superintendent of the Police Service of Scotland;
 - (d) the Director General of the Security Service;
 - (e) the Director General of the National Crime Agency;

⁽¹³⁾ 2001 asp 14; section 1 was amended by sections 32 and 45 of, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2.

⁽¹⁴⁾ 1996 c. 27; Part 4A was inserted by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c. 20), and amended by paragraphs 139 to 142 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) (not yet in force).

⁽¹⁵⁾ 2007 c. 20.

⁽¹⁶⁾ 2011 asp 15.

- (f) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970⁽¹⁷⁾;
- (g) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970;
- (h) any director of children’s services in England within the meaning of section 18 of the Children Act 2004⁽¹⁸⁾;
- (i) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968⁽¹⁹⁾;
- (j) the director of social care and children of the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009⁽²⁰⁾;
- (k) any executive director of social work of a Health and Social Services Trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991⁽²¹⁾.

Anonymous registration: review of entitlement to an anonymous entry

38E.—(1) The registration officer must discharge the function under section 9C(1B)(b) of the 1983 Act⁽²²⁾ in accordance with this regulation.

(2) The registration officer may conduct a review in respect of a person entered in the register with an anonymous entry (“P”).

(3) P may require a hearing of the review.

(4) Where the registration officer is of the opinion that the safety test is no longer satisfied in respect of P, that officer must, as that officer considers appropriate, send to P a notice which—

- (a) states that the registration officer is of the opinion that the safety test is no longer satisfied in respect of P, the grounds for that officer’s opinion and that P may require a hearing of the review by notifying the registration officer within 14 days beginning with the date of the notice;
- (b) states the reason for the review and requires P to provide such further information as might be specified in the notice; or
- (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

(5) Where—

- (a) the registration officer sends to P a notice in the form specified in paragraph (4) (a); and
- (b) P does not, within 14 days beginning with the date of that notice, notify the registration officer that P requires the review to be heard,

(17) 1970 c. 42; subsection (A1) was inserted by, and subsection (1) was amended by, paragraph 2 of Schedule 2 to the Children Act 2004 (c. 31).

(18) 2004 c. 31; section 18 was amended by section 16 of, and Part 2 of Schedule 3 to, the Childcare Act 2006 (c. 21); paragraph 266 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); Schedule 2 to the Further Education and Training Act 2007 (c. 25); section 194 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); and S.I. 2010/1158.

(19) 1968 c. 49; section 3 was substituted by section 45 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(20) 2009 c. 1.

(21) S.I. 1991/194 (N.I. 1); article 10 was amended by sections 32 and 34 of, and paragraph 13 of Schedule 6 to, the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

(22) Section 9C(1B) was inserted by article 3 of S.I. 2014/1116.

the registration officer may determine without a hearing that the safety test is no longer satisfied in respect of P.

(6) Where—

- (a) the registration officer sends to P a notice in the form specified in paragraph (4)(b); and
- (b) P does not respond to the registration officer's satisfaction, or at all, within 28 days beginning with the date of that notice,

the registration officer may send a further notice to P which states that he is of the opinion that the safety test is no longer satisfied in respect of P, the grounds for his opinion and that P may require a hearing of the review by notifying the registration officer within 14 days beginning with the date of the notice.

(7) Where—

- (a) the registration officer sends to P a further notice in pursuance of paragraph (6); and
- (b) P does not, within 14 days beginning with the date of that notice, notify the registration officer that P requires the review to be heard,

the registration officer may determine without a hearing that the safety test is no longer satisfied in respect of P.

(8) Where the registration officer determines that a hearing of the review should be conducted, the notice given under paragraph (4)(c) must also state the time and place at which that officer proposes to hear the review.

(9) Paragraphs (2) to (5) of regulation 38 apply to the hearing of a review under this regulation as they apply to the hearing of a review under regulations 36 to 38 (reading references to the "subject of the review" as references to "P").

(10) The registration officer may determine that the safety test is no longer satisfied in respect of P, despite the failure of P (or any other person entitled to appear and be heard) to attend.

(11) In making a determination under paragraph (5), (7) or (10), the registration officer must take into account any written representations made to that officer by P and may take into account the written representations of any other person who appears to that officer to be interested."