

## EXPLANATORY MEMORANDUM TO

### THE REPRESENTATION OF THE PEOPLE (FORM OF CANVASS) (NORTHERN IRELAND) REGULATIONS 2020

2020 No. 580

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

#### 2. Purpose of the instrument

- 2.1 These regulations make provision relating to changes made by the Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020, which allow the electoral canvass to be conducted digitally in Northern Ireland. These regulations specify the content of the form to be used for the purpose of canvass in Northern Ireland and requirements relating to its submission. They also provide for certain steps to be taken by the registration officer where a canvass form is submitted to them other than on a form which they have provided.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 The territorial application of this instrument is limited to Northern Ireland.
- 3.3 This instrument only concerns elections in Northern Ireland and it has no application elsewhere in the UK.

#### 4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is Northern Ireland.
- 4.2 The territorial application of this instrument is Northern Ireland.

#### 5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

#### 6. Legislative Context

- 6.1 Section 10(4A) of the Representation of the People Act 1983 sets out information to be obtained by canvass form during the canvass in Northern Ireland. Form O in Schedule 3 to the Representation of the People (Northern Ireland) Regulations 2008 (the “2008 Regulations”) prescribes the form to be used for that canvass.

- 6.2 The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020, which are made on the same day as these regulations, make provision to enable the electoral canvass to be conducted digitally in Northern Ireland.

## **7. Policy background**

### *What is being done and why?*

- 7.1 These regulations replace the prescribed Form O with a series of requirements concerning the submission of information by canvass form. These requirements closely mirror the requirements that apply, in Northern Ireland, to applications to register to vote. Details of the new requirements are set out below.

### Information to be provided by the canvass form

- 7.2 These regulations set out information to be obtained by a canvass form in Northern Ireland, including a person's name, address and nationality and whether they wish to be omitted from the edited register. In addition the information to be obtained may also include the person's email or telephone number as well as any previous names the person has been known by.

### Submission of Canvass Form

- 7.3 The regulations provide that canvass forms must be provided to the registration officer in writing, be dated and contain a declaration that the person submitting it (or instructing another to do so) is the person the form concerns and the information on the form is true. Provision is made for assisting an individual to make an application if they are unable to do so due to a disability or are unable to read.

### Requirements where the form is provided by the registration officer

- 7.4 The regulations provide that where the registration officer provides a form of canvass form it must contain wording to explain that there are two versions of the electoral register (full and edited) and differences between them. The form must also contain a warning that it is an offence to provide false information on a canvass form and state the maximum penalty for doing so.

### Requirements where canvass form is submitted other than on a form provided

- 7.5 The regulations also provide that where a canvass form is received by the registration officer on a form other than one provided by the officer they must write to the person who submitted it explaining about the two versions of the electoral register and asking if they wish to be excluded from the edited version. If the person does not respond within 21 days the registration officer may assume the person does not wish to be omitted from the edited register.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 This instrument does not consolidate any current legislation.

## **10. Consultation outcome**

10.1 The Northern Ireland Office consulted the Electoral Commission, the Information Commissioner and the Chief Electoral Officer for Northern Ireland (the “CEO”). None of the bodies with whom we consulted raised any concerns about the regulations.

## **11. Guidance**

11.1 Both the Electoral Commission and the Electoral Office for Northern Ireland provide guidance and publicity in advance of canvass. The form of canvass form provided by the CEO will contain sufficient information on how to complete it to make it self explanatory.

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

## **13. Regulating small business**

13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

14.1 The Electoral Office for Northern Ireland will monitor the impact of the measures. The CEO is required to report annually to the Secretary of State for Northern Ireland and that report will highlight any issues arising from the implementation of the measures in this instrument.

14.2 The Electoral Commission will assess and report on the outcomes of the revised canvass procedures and make recommendations where they consider it appropriate.

## **15. Contact**

15.1 Katherine Herrick at the Northern Ireland Office (Telephone 07824866744 or Katherine.herrick@nio.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Holly Clark, Deputy Director for Elections Policy at the Northern Ireland Office, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Robin Walker, Minister of State at the Northern Ireland Office, can confirm that this Explanatory Memorandum meets the required standard.