

2022 No. 916 (C. 68)

REPRESENTATION OF THE PEOPLE

**The Elections Act 2022 (Commencement No. 2) Regulations
2022**

Made - - - - *23rd August 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 67(1) of the Elections Act 2022(a).

Citation

1. These Regulations may be cited as the Elections Act 2022 (Commencement No. 2) Regulations 2022.

Provisions coming into force on 27th August 2022

2. The following provisions of the Elections Act 2022 come into force on 27th August 2022—
- (a) section 1 (voter identification), so far as it relates to the provisions of Schedule 1 brought into force by paragraph (d);
 - (b) section 2 (power to make regulations about registration, absent voting and other matters), so far as it relates to the provisions of Schedule 2 brought into force by paragraph (e);
 - (c) section 12 (local elections and Assembly elections in Northern Ireland), so far as it relates to the provisions of Schedule 6 brought into force by paragraph (f);
 - (d) the following paragraphs of Schedule 1 (voter identification)—
 - (i) paragraph 1, so far as it relates to the provisions brought into force by subparagraphs (ii) to (xi);
 - (ii) paragraph 2, for the purpose of making regulations under new section 13BD(3), (4) and (8) to (10) or new section 13BE(3), (4), (8) to (10) and (12) that it inserts into RPA 1983(b);
 - (iii) paragraph 3, for the purpose of making regulations under the new subsections (3A) or (4A) it inserts into section 13C of RPA 1983;
 - (iv) paragraph 5, for the purpose of making regulations under section 56(1) or (5) of RPA 1983(c);
 - (v) paragraph 6, for the purpose of making regulations under section 58(2) or (6)(a) of RPA 1983(d);

(a) 2022 c. 37.
(b) See section 65 of the Elections Act 2022 for the meaning of “RPA 1983”.
(c) See section 202(1) of RPA 1983 for the meaning of “prescribed” in section 56.
(d) Section 58 was substituted by paragraph 5 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). See section 202(1) of RPA 1983 for the meaning of “prescribed” in section 58.

- (vi) paragraph 10, so far as it relates to the provisions brought into force by sub-paragraphs (vii) to (xi);
- (vii) paragraph 11, for the purpose of making regulations under new rule 19B(6) it inserts into Schedule 1 to RPA 1983;
- (viii) in paragraph 15, sub-paragraph (1) so far as it relates to sub-paragraph (3), and sub-paragraph (3) for the purposes of making regulations under new paragraph (3ZA) it inserts into rule 29 of Schedule 1 to RPA 1983(a);
- (ix) in paragraph 17, sub-paragraph (1) so far as it relates to sub-paragraph (8), and sub-paragraph (8);
- (x) paragraph 24, for the purposes of making regulations under new rule 40B(1) or (2) it inserts into Schedule 1 to RPA 1983;
- (xi) paragraph 30 and, so far as it relates to that paragraph, paragraph 32;
- (e) in Schedule 2 (power to make regulations about registration, absent voting and other matters), paragraphs 1 to 11 and 14(b) and (c);
- (f) in Schedule 6 (local elections in Northern Ireland and elections to the Northern Ireland Assembly), the following sub-paragraphs of paragraph 30—
 - (i) sub-paragraph (1), so far as it relates to the provisions brought into force by sub-paragraph (ii);
 - (ii) sub-paragraphs (2) and (4).

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Eddie Hughes
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

23rd August 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second commencement regulations made under the Elections Act 2022 (c. 37) (“the Act”), and bring into force certain paragraphs of Schedule 1 (voter identification), Schedule 2 (power to make regulations about registration, absent voting and other matters) and Schedule 6 (local elections in Northern Ireland and elections to the Northern Ireland Assembly) to the Act.

Paragraph 2 of Schedule 1 inserts new sections 13BD and 13BE into the Representation of the People Act 1983 (c. 2) (“RPA 1983”), which provide that electors registered in Great Britain can apply for an electoral identity document or anonymous elector’s document for use at UK parliamentary and other elections. New sections 13BD(3), (4) and (8) to (10) and 13BE(3), (4), (8) to (10) and (12) confer powers on the Secretary of State to make provision about applications for these documents, including the form and content and timing of the application, and the form of each document.

Paragraph 3 of Schedule 1 amends section 13C of RPA 1983 (electoral identity card: Northern Ireland). New section 13C(3A) confers powers on the Secretary of State to make provision about the issuing or collecting of electoral identity cards. New section 13C(4A) confers powers on the Secretary of State to make provision about the information to be included in, and the form of, an electoral identity card.

Paragraph 5 of Schedule 1 amends section 56 of RPA 1983 (registration appeals: England and Wales) to allow regulations to prescribe provision relating to an appeal against a decision of a registration officer not to issue an electoral identity document or anonymous elector’s document.

(a) See section 202(1) of RPA 1983 for the meaning of “prescribed” in new rule 29(3ZA).

Paragraph 6 of Schedule 1 to the Act makes an equivalent amendment to section 58 of RPA 1983 (registration appeals: Northern Ireland).

Paragraphs 11, 15, 17, 24, 30 and 32 of Schedule 1 amend the Parliamentary election rules in Schedule 1 to RPA 1983. Paragraph 11 inserts new rule 19B, which requires the Chief Electoral Officer for Northern Ireland to prepare for each polling station a list of the dates of birth of each elector and proxy allotted to that polling station. New rule 19B(6) confers power on the Secretary of State to make regulations regarding the inspection or supply of such lists.

Paragraph 15(1) and (3) amends rule 29 (equipment of polling stations). New rule 29(3ZA) confers powers on the Secretary of State to prescribe the form of the ballot paper refusal list.

Paragraph 17(1) and (8) amends the list of specified documents in rule 37(1E) of the Parliamentary election rules so far as that rule applies to elections held in Northern Ireland.

Paragraph 24 inserts new rule 40B (collection and disclosure of information relating to applications made under rules 37 to 40). New rule 40B(2) confers powers on the Secretary of State to prescribe the information to be collected at parliamentary elections held in Great Britain to which rule 40B applies (in accordance with regulations made under rule 40B(1)).

Paragraph 30 inserts new rule 56A (inspection of ballot paper refusal list: Great Britain), which confers powers on the Secretary of State to make provision about the circumstances in which completed ballot paper refusal lists can be inspected (with or without conditions), and about the disclosure of information contained in such lists. Paragraph 32 amends rule 58, the effect of which is to apply rule 56A with modifications in relation to parliamentary elections held in Scotland.

Paragraph 1 of Schedule 2 to the Act (power to make regulations about registration, absent voting and other matters) amends section 53 of RPA 1983 (power to make regulations as to registration etc.) to allow provision to be made in regulations regarding identity document applications. Paragraphs 2 to 11 amend Schedule 2 to RPA 1983 to allow provision to be made in regulations regarding those applications, and regarding applications for postal or proxy voting entitlements made under sections 6 to 8 of the Representation of the People Act 1985 (c. 50) or Schedule 4 to the Representation of the People Act 2000 (c. 2).

Paragraph 30(2) and (4) of Schedule 6 to the Act applies, with modifications, section 53 of, and Schedule 2 to, RPA 1983 as amended by paragraphs 1 to 11 Schedule 2 to the Act in respect of local elections in Northern Ireland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/44886/documents/1304> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Elections Act 2022 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 16 to 19	19.08.22	2022/908

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2022/916>

ISBN 978-0-34-823851-8



9 780348 238518