
STATUTORY INSTRUMENTS

2023 No. 1147

The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023

PART 3

Amendment of the Representation of the People (Scotland) Regulations 2001

Amendment of Part 4 (absent voters)

10.—(1) Part 4 (absent voters) is amended as follows.

(2) In regulation 50 (interpretation of Part 4), after the definition of “allotted polling station” insert—

““the maximum period” means the period specified in paragraph 3(1A)(a) or (1B)(a) of Schedule 4.”.

(3) In regulation 51 (general requirements for applications for an absent vote)—

(a) in paragraph (2), after sub-paragraph (a) insert—

“(aa) for a relevant absent voting application, the applicant’s national insurance number or, if they are not able to provide that information, the reason why they are not able to do so;”;

(b) in paragraph (4), after “indefinite period” insert “, the maximum period”;

(c) after paragraph (6) insert—

“(7) Where, by virtue of arrangements made by the Secretary of State, a relevant absent voting application may be made through the digital service—

(a) the Secretary of State may complete the application in part using information provided by the applicant as part of an application, or partially completed application, under section 10ZC or 10ZD of the 1983 Act for registration in, or alteration of, a register of electors made through or completed using the digital service;

(b) where the application is required to contain a signature, the application must contain a compliant photograph or electronic scan of the applicant’s signature;

(c) the Secretary of State must—

(i) request that the applicant provide their most recent previous name (if they have one), and

(ii) provide an explanation of the purpose for which the information will be used.

(8) In paragraph (7)(b), “compliant photograph or electronic scan of the applicant’s signature” means—

(a) the signature contained in the photograph or electronic scan complies with the requirements of sub-paragraph (a) of paragraph (3A), and

- (b) the photograph or electronic scan of the signature is sufficiently clear and unambiguous so as to comply with the requirements of paragraph (3A).
- (9) Where an applicant is unable to provide a national insurance number in accordance with paragraph (2)(aa), the applicant may provide as part of the application a copy of any of the documents listed in regulation 56C(2) to (4).
- (10) The Secretary of State must send to the registration officer—
 - (a) subject to paragraph (11), any relevant absent voting application the Secretary of State receives,
 - (b) the applicant’s previous name (if any provided),
 - (c) any copy documentation provided by the applicant in accordance with paragraph (9), and
 - (d) a reference number unique to that application.
- (11) Where a relevant absent voting application made through the digital service in accordance with paragraph (7) includes the applicant’s national insurance number the Secretary of State—
 - (a) may send the registration officer that application without the national insurance number, and
 - (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”.
- (4) In regulation 52 (additional requirements for applications for the appointment of a proxy)—
 - (a) in paragraph (1), omit “together with his family relationship, if any, with the applicant,”;
 - (b) after paragraph (1) insert—
 - “(1ZA) If the application for the appointment of a proxy is for the purposes of voting at a local government election, the application must also state the family relationship if any, of the proxy with the applicant.”.
- (5) In regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election), after paragraph (4) insert—
 - “(5) Where an application under paragraph 4(2) of Schedule 4 is made after 5pm on the sixth day before the date of the poll at the election for which it is made because the circumstances set out in paragraph (3F)(a) of regulation 56 apply, the application must (in addition to providing any other information required by this Part) state that it is being made because of those circumstances.”.
- (6) In regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular parliamentary election: grounds relating to voter identification)—
 - (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”;
 - (b) after paragraph (2) insert—
 - “(2A) This regulation does not apply where regulation 56(3D) applies to an application by virtue only of the circumstances set out in paragraph (3F).”.
- (7) In regulation 56 (closing date for applications)—
 - (a) in paragraph (3D), after “voter identification” insert “or in the circumstances set out in paragraph (3F)”;
 - (b) after paragraph (3E) insert—
 - “(3F) The circumstances are that—

- (a) the applicant submitted the application because an earlier application submitted by that applicant under paragraph 3(2) or 6(7) of Schedule 4 is to be disregarded for the purposes of the election referred to in paragraph (3D) because that earlier application—
 - (i) was submitted prior to the deadline of 5pm on the sixth day before the date of the poll at the election referred to in paragraph (3D),
 - (ii) was submitted via the digital service, and
 - (iii) was not received by the registration officer until after the deadline of 5pm on the sixth day before the date of the poll at the election referred to in paragraph (3D) due to a technical defect in the digital service, or
 - (b) the application referred to in paragraph (3D) meets the conditions specified in paragraphs (i), (ii) and (iii) of sub-paragraph (a).”.
- (8) After regulation 56A (grounds relating to voter identification) insert—

“Verification of information provided in a relevant absent voting application

56B.—(1) On receipt of a relevant absent voting application made otherwise than through the digital service, a registration officer must disclose the applicant’s name or names, address, date of birth and national insurance number (“the first stage information”) to the Secretary of State for Levelling Up, Housing and Communities in such format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(2) Following receipt of the first stage information from the registration officer or, in the case of an application made through or partially completed using the digital service, from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the first stage information to the Secretary of State for Work and Pensions.

(3) Where the first stage information has been disclosed to the Secretary of State for Work and Pensions under paragraph (2), the Secretary of State for Work and Pensions may compare it against—

- (a) the name, address, date of birth and national insurance number of individuals appearing in the following types of data kept by the Secretary of State—
 - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
 - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs), and
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(4) The Secretary of State for Work and Pensions may disclose the results of the comparison of the first stage information (“the second stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(5) On receipt of the second stage information, the Secretary of State for Levelling Up, Housing and Communities may disclose that information—

- (a) to the Secretary of State for Work and Pensions, or
- (b) to the registration officer to whom the application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates.

(6) Paragraph (3) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under paragraph (5)(a) as it applies to the first stage information disclosed under paragraph (2).

(7) The Secretary of State for Work and Pensions may disclose the results of the comparison of the second stage information (“the third stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(8) On receipt of the third stage information, the Secretary of State for Levelling Up, Housing and Communities may—

- (a) compare the third stage information against the information provided in the relevant absent voting application, and
- (b) notify the registration officer to whom the application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates, as to whether the comparison in sub-paragraph (a) resulted in a match.

(9) The registration officer must take into account any information disclosed by, or notification received from, the Secretary of State for Levelling Up, Housing and Communities in accordance with this regulation when determining the application.

(10) This regulation does not apply in relation to an application under paragraph 4(2) of Schedule 4—

- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
- (b) where regulation 56(3A) or (3D) applies.

(11) In paragraph (1)—

- (a) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;
- (b) the reference to the applicant’s address is a reference to the address contained in the application in accordance with regulation 51(2)(b).

Power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary

56C.—(1) This regulation applies where, upon receipt of a relevant absent voting application, a registration officer considers additional evidence is necessary to verify the identity of the applicant.

(2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents—

- (a) the applicant’s passport;
- (b) the applicant’s identity card issued in the European Economic Area;
- (c) the applicant’s biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the Borders Act 2007;
- (d) the applicant’s electoral identity card issued in Northern Ireland;
- (e) the applicant’s photocard driving licence granted in the United Kingdom or driving licence granted by a Crown Dependency, which bears a photograph of the applicant.

(3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of—

- (a) one of the following documents, which, except in relation to paragraph (vii), must have been issued in the United Kingdom or Crown Dependencies—
 - (i) the applicant’s birth certificate;
 - (ii) the applicant’s marriage or civil partnership certificate;
 - (iii) the applicant’s adoption certificate;
 - (iv) the applicant’s firearms certificate granted under the Firearms Act 1968;
 - (v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976;
 - (vi) the applicant’s driving licence, which is not in the form of a photocard;
 - (vii) the applicant’s driving licence granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom, and
 - (b) two other documents, each of which may be either from sub-paragraph (a) or from paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant’s full name—
- (a) a financial statement, including but not limited to—
 - (i) a mortgage statement;
 - (ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
 - (iii) a credit card statement;
 - (iv) a pension statement;
 - (b) a council tax demand letter or statement;
 - (c) a utility bill;
 - (d) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
 - (e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- (5) Where the applicant is registered, or has applied to be registered, in pursuance of an overseas elector’s declaration, paragraphs (3) and (4) apply with the following modifications—
- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;
 - (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies”.
- (6) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—
- (a) confirm that the applicant is the person named in the application,
 - (b) be in writing and signed by a qualifying attestor,

- (c) state the qualifying attester's full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector,
 - (d) state—
 - (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the attester's British passport number together with its date and place of issue;
 - (ii) otherwise—
 - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number;
 - (bb) in all other cases, the qualifying attester's electoral number,
 - (e) include an explanation as to the qualifying attester's ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester's connection to the applicant and the length of time that that connection has existed,
 - (f) include—
 - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
 - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
 - (g) state the date on which it is made.
- (7) In paragraph (6), a "qualifying attester" is a person—
- (a) where the applicant is or is to be registered in pursuance of an overseas elector's declaration, who is aged 18 or over,
 - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
 - (c) who is registered as an elector, and, except where the applicant is or is to be registered in pursuance of an overseas elector's declaration, who is registered as an elector in a local authority area in Scotland,
 - (d) except where the person is registered in pursuance of an overseas elector's declaration, whom the registration officer is satisfied is of good standing in the community, and
 - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
 - (i) the date on which the revised register in which the qualifying attester's name appears was last published under section 13(1) of the 1983 Act;
 - (ii) the date on which a notice specifying the qualifying attester's entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (8) In paragraph (7)(e), a "relevant identity attestation" is an attestation provided in accordance with—
- (a) paragraph (6);

- (b) regulation 26B(6);
- (c) regulation 26B(6) or 56C(6) of the Representation of the People (England and Wales) Regulations 2001;
- (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
- (e) regulation 72B(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
- (f) regulation 7(6) of the Voter Identification Regulations 2022.

(9) Paragraphs (2) to (6) do not apply where the applicant is registered, or has applied to be registered, in a register of parliamentary electors or a register of local government electors in England in pursuance of the following declarations—

- (a) a service declaration on the grounds that the applicant is a Crown servant or the spouse or civil partner of a Crown servant;
- (b) a service declaration on the grounds that the applicant is a member of the forces;
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces.

(10) In the case of an application to which paragraph (9)(a) or (c) applies, the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the forces, who is not the applicant's spouse or civil partner—

- (a) the applicant's passport;
- (b) the applicant's identity card issued in the European Economic Area.

(11) In the case of an application to which paragraph (9)(b) applies, the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application,
- (b) be in writing and signed by an officer of the forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve, and
- (d) state the date on which it is made.

(12) In this regulation—

“Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;

“member of the forces” has the same meaning as in section 59(1) of the 1983 Act;

“officer of the forces” means a member of the forces who is an officer.

(13) This regulation does not apply in relation to an application under paragraph 4(2) of Schedule 4—

- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
- (b) where regulation 56(3A) or (3D) applies.

Processing of information provided in connection with a relevant absent voting application

56D.—(1) If a person provides an original document under regulation 56C, the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any relevant absent voting application, the registration officer must retain until the application has been determined—

- (a) the application form, or, in the case of an application made through the digital service, the information contained in the application transmitted to the registration officer by the Secretary of State;
- (b) any other information or documents provided to the registration officer in connection with the application or, in the case of original documents which are returned under paragraph (1), a copy of such documents.

(3) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but, if they do so, must delete the applicant's national insurance number from the application form, information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the relevant absent voting application.

(4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.

(5) Information disclosed under regulation 56B must not be disclosed to any other person, except—

- (a) for the purpose of determining the relevant absent voting application in connection with which the information was disclosed, or
- (b) for the purpose of any civil or criminal proceedings.

(6) A person who discloses information in breach of paragraph (5) is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine (or both);
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum (or both).

(7) Any information disclosed under regulation 56B must be processed in accordance with any requirements as to the processing of information that may have been imposed by the Secretary of State for Levelling Up, Housing and Communities in writing in advance of that processing, including requirements as to the transfer, storage, destruction and security of that information.

(8) In this regulation, “copy” includes an electronic copy.”.

(9) In regulation 57 (grant or refusal of applications)—

(a) after paragraph (1) insert—

“(1A) Where a registration officer grants an application to vote by post at a parliamentary election, the notification under paragraph (1) must include—

- (a) where the postal vote entitlement is for a particular election, the date of the poll for which the elector's entitlement to vote by post has been granted;
- (b) otherwise, the date on which the elector's entitlement to vote by post ends.”;

- (b) in paragraph (3), at the end insert “in respect of the appointment of a proxy for the purpose of voting at a local government election or local government elections”;
- (c) after paragraph (3) insert—
 - “(3A) The form of proxy paper in Form E1 is prescribed for the purposes of paragraph 6(9) of Schedule 4 in respect of the appointment of a proxy for the purpose of voting at a parliamentary election, or at parliamentary elections.”;
- (d) after paragraph (6) insert—
 - “(6A) Paragraphs (6B) to (6D) apply where—
 - (a) an application under Schedule 4 relates to voting at a parliamentary election, and
 - (b) either—
 - (i) paragraph (2) of regulation 51AA applies to that application, or would have applied if paragraph (3) of that regulation were ignored, or
 - (ii) paragraph (1) of regulation 51B applies to that application, or would have applied if paragraph (1A) of that regulation were ignored.
 - (6B) A notification under paragraph (1) or (4A) to one of the following types of applicants must also include a statement that ballot papers will be sent to the postal ballot delivery address—
 - (a) an applicant registered in pursuance of an overseas elector’s declaration;
 - (b) an applicant registered in pursuance of a service declaration;
 - (c) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act);
 - (d) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act);
 - (e) an applicant who has an anonymous entry.
 - (6C) Where sub-paragraphs (a) to (e) of paragraph (6B) do not apply to the applicant, the registration officer must, in addition to notifying the applicant in accordance with paragraphs (1), (4), (4A) or (5), notify the applicant in writing that—
 - (a) the application has been granted, refused or disregarded, and
 - (b) where the application has been granted, ballot papers will be sent to the postal ballot delivery address.
 - (6D) A notification under paragraph (6C) must be delivered to—
 - (a) where paragraph (6A)(b)(ii) applies and the notification is to be delivered to a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4, the address shown in that record;
 - (b) otherwise—
 - (i) the address stated in the application in accordance with regulation 51(2)(b), or
 - (ii) the proxy’s address stated in the application in accordance with regulation 51(2)(c).
 - (6E) In paragraphs (6B) and (6C), the “postal ballot delivery address” means—
 - (a) where paragraph (6A)(b)(i) applies, the address stated in the application in accordance with regulation 51(2)(d);
 - (b) where paragraph (6A)(b)(ii) applies, the different address described in regulation 51B(1).”.

(10) After regulation 60 (inquiries by registration officer) insert—

“Requirement to notify certain electors and proxies that postal vote entitlement is to end

60ZA.—(1) This regulation applies in respect of an elector or proxy who remains entitled to vote by post at a parliamentary election by virtue of an entitlement which was granted for the maximum period (“the relevant person”).

(2) The registration officer must, before the end of the maximum period, send to the relevant person—

- (a) a notice informing the relevant person of the date on which the relevant person’s entitlement to vote by post is to end, and
- (b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy).”.

(11) In regulation 60A (requirement to provide fresh signatures at five yearly intervals), before paragraph (1) insert—

“(A1) This regulation does not apply to an elector or proxy so far as that elector or proxy remains entitled to vote by post at a parliamentary election.”.

(12) In regulation 61 (records and lists kept under Schedule 4), in paragraph (7) after “regulation 56(3A)” insert “or (3D)”.