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STATUTORY INSTRUMENTS

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**2023 No. 1406**

**The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023**

**PART 2**

Overseas electors

**CHAPTER 3**

Consequential amendments

**Amendment of the Police and Crime Commissioner Elections Order 2012**

**12.** In paragraph 16C (power to request additional evidence in relation to absent vote applications where registration officer considers it necessary) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012 (absent voting at PCC elections)—

(a) for sub-paragraph (5), substitute—

“(5) 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) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
- (c) be in writing and signed by a person—
  - (i) whom the registration officer is satisfied is of good standing in the community;
  - (ii) who is registered as an elector in a local authority area in England or Wales;
  - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
  - (iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or
    - (bb) the date on which a notice specifying that person’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);
- (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
- (e) state the date on which it is made.”;

- (b) omit sub-paragraph (6);
- (c) in sub-paragraph (7)—
  - (i) in the opening words, for “(6)(d)”, substitute “(5)(c)(iv)”;
  - (ii) in paragraphs (b) and (c), for “26B(6) or 56C(6)”, substitute “26B(6) or (6ZA) or 56C(5A) or (6)”;
  - (iii) in paragraph (d), for “72B(6)”, substitute “72B(5A) or (6)”.

### **Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016**

**13.**—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 are amended as follows.

(2) In regulation 3 (interpretation), in paragraph (1), in the definition of “overseas elector’s declaration” for the words from “section 2” to the end substitute “section 1C of the 1985 Act (overseas elector’s declaration)”.

(3) In regulation 51 (absent signing at any petition for a definite or an indefinite period: England and Wales and Scotland)—

(a) in paragraph (1B)(a), for the words from “date on which” to the end substitute “1st November until which, by virtue of section 1D(1)(a) or (3)(a) of the 1985 Act, the person is entitled to remain registered in that register”;

(b) in paragraph (3)(f), for “electors” in the second place it occurs substitute “elector’s”.

(4) In regulation 52 (absent signing at any petition for an indefinite period: Northern Ireland), in paragraph (4)(f) for “electors” in the second place it occurs substitute “elector’s”.

(5) In regulation 72B (power to request additional evidence in relation to absent signing applications where registration officer considers it necessary)—

(a) after paragraph (5) insert—

“(5A) If an applicant who is, or has applied to be, registered in a register of parliamentary electors other than in pursuance of an overseas elector’s declaration 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) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
- (c) be in writing and signed by a person—
  - (i) whom the registration officer is satisfied is of good standing in the community,
  - (ii) where the applicant is or to be registered in a local authority area—
    - (aa) in England or Wales, registered as an elector in a local authority area in England or Wales;
    - (bb) in Scotland, registered as an elector in a local authority area in Scotland,
  - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant, and
  - (iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or

- (bb) the date on which a notice specifying that person’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);
- (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation, and
- (e) state the date on which it is made.”;
- (b) in paragraph (6)—
  - (i) in the opening words, after “an applicant”, insert “who is registered, or has applied to be registered, in a register of parliamentary electors in pursuance of an overseas elector’s declaration”;
  - (ii) in sub-paragraph (d)(i), after “British” insert “or Irish”;
- (c) in paragraph (7)(c)(ii)(aa), after “local authority” in the second place it occurs insert “area”;
- (d) in paragraph (8)—
  - (i) in the opening words, for “paragraph (7)(e)” substitute “paragraphs (5A)(c)(iv) and (7)(e)”;
  - (ii) in sub-paragraph (a), for “sub-paragraph (6)” substitute “paragraph (5A) or (6)”;
  - (iii) in sub-paragraphs (b) and (c), for “26B(6) or 56C(6)” substitute “26B(6) or (6ZA) or 56C(5A) or (6)”.

#### **Amendment of the Voter Identification Regulations 2022**

- 14.—**(1) The Voter Identification Regulations 2022 are amended as follows.
- (2) In regulation 6 (verification of information provided in an identity document application)—
    - (a) in paragraph (10)(a)(ii), after “regulation 29ZA(2)” in both places it occurs insert “or 29ZAA(3)”;
    - (b) in paragraph (11), after “regulation 29ZA” in both places it occurs insert “or 29ZAA”.
  - (3) In regulation 7 (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), in paragraph (7A)—
    - (a) in sub-paragraphs (b) and (c), for “26B(6) or 56C(6)” substitute “26B(6) or (6ZA) or 56C(5A) or (6)”;
    - (b) in sub-paragraph (e), for “72B(6)” substitute “72B(5A) or (6)”.