
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (S.I. 2019/1451) (“the 2019 Regulations”) make provision in relation to the reformed annual canvass in respect of a parliamentary register of electors and a local government register of electors in England. These Regulations and the 2019 Regulations make provision for the reformed annual canvass to apply to a register of local government electors in Wales.

Regulations 4 to 6 amend the Representation of the People Act (“the 1983 Act”). Regulation 4 amends section 9A(2) to amend the provision in respect of the steps which a registration officer may take in respect of a register of local government electors in Wales for the purposes of complying with the duty to maintain registers under section 9 of the 1983 Act. Regulation 5 amends section 9D of the 1983 Act in order to provide the Welsh Ministers with a power by regulations to require the Electoral Commission to design one or more canvass communications. Regulation 5 will also enable a registration officer conducting the canvass in respect of a register of local government electors in Wales to make house to house enquiries to obtain information required by a canvass form. Regulation 6 amends paragraph 3C of Schedule 2 to the 1983 Act in order to provide the Welsh Ministers with power to make provision by regulations authorising or requiring a registration officer for a local government register in Wales to take specified steps for the purpose of obtaining information when conducting the canvass.

Regulations 8 to 19 amend the Representation of the People (England and Wales) Regulations (S.I. 2001/341) (“the 2001 Regulations”).

Regulation 8 amends the definition of “digital service” in regulation 3(1) (interpretation) of the 2001 Regulations to extend the application of the definition to a register of local government electors in Wales.

Regulation 9 revokes regulation 26(3)(eb) (applications for registration) in the 2001 Regulations.

Regulations 10 and 11 revoke regulations 32ZA (annual canvass: register of local government electors in Wales) and 32ZB (steps to be taken by a registration officer where no information in relation to a response to an annual canvass form is received in respect of a particular address) in the 2001 Regulations.

Regulation 12 amends regulation 32ZBA (annual canvass) in the 2001 Regulations so that it applies to a register of local government electors in Wales. Regulation 32ZBA requires a registration officer to conduct the annual canvass in accordance with regulation 32ZBD, unless the circumstances specified in regulation 32ZBA(4) and (5) arise. These allow the registration officer to conduct the canvass in accordance with regulations 32ZBE or 32ZBF.

Regulation 13 amends regulation 32ZBB (annual canvass data matching) of the 2001 Regulations so that the duty in paragraph (1) will apply to a registration officer in respect of a register of local government electors in Wales. Regulation 32ZBB requires registration officers to disclose certain data in respect of registered electors and authorises the comparison of that information against data held by the Secretary of State for Work and Pensions.

Regulation 14 amends regulation 32ZBC (processing of information in connection with the annual canvass data matching) to apply the provisions on processing of disclosed information to a canvass of local government electors in Wales.

Regulation 15 amends regulation 32ZBD (annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

no response is received). The first step in the process is for the registration officer to make contact with a person who is or may be eligible to be registered by either sending a paper communication or visiting the address (see Regulation 32ZBD(1)). Regulation 15(a) amends regulation 32ZBD(1) so that the requirement will apply to a canvass of local government electors in Wales. Regulation 32ZBD(4) specifies how the registration officer can go about complying with the requirements in sub-paragraphs (2) and (3) to attempt to make contact with a person at the address. Regulation 32ZBD(4)(b) permits the registration officer to make a telephone call to persons aged 18 or over at the address where the registration officer has telephone numbers for them. Regulation 32ZBD(4)(c) permits the registration officer to send a communication by electronic means to persons aged 18 or over at the address where relevant contact details are held for them. Regulation 15(b) inserts new sub-paragraphs (ba) and (ca) to make provision that permits the registration officer to make a telephone call and/or send a communication by electronic means to persons aged 16 or over at the address where relevant contact details are held for them in respect of a register of local government electors in Wales. Regulation 15(c) amends regulation 32ZBD(9) to require a registration officer responsible for a register of local government electors in Wales to pre-populate the canvass form with any information already held by the registration officer in respect of a person who is on the register. Regulation 15(d) inserts new paragraph (9A) to prohibit the registration officer responsible for a register of local government electors in Wales from printing on the canvass form the date of birth of any person aged under 16.

Regulation 16 amends regulation 32ZBE (annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required) in the 2001 Regulations so that it applies to a register of local government electors in Wales. Regulation 16(c) amends regulation 32ZBE(3) to permit the registration officer conducting a canvass in respect of a register of local government electors in Wales to send a communication by electronic means to one or more persons aged 16 or over who are registered at the address in a register of local government electors in Wales where relevant contact details are held. Regulation 16(e) inserts paragraph (4A) which specifies the requirements made of a person to whom a communication is sent pursuant to regulation 32ZBE(3). Regulation 16(g) inserts paragraph (5A) which sets out the circumstances under which a registration officer must send canvass communication A (see regulation 32ZBG(1)(a)(i) of the 2001 Regulations) to an address in a register of local government electors in Wales. Regulation 16(h) amends regulation 32ZBE(6) which imposes a duty on the registration officer to print certain information on canvass communication A so that the provision will apply to a registration officer for a register of local government electors in Wales. Regulation 16(i) amends regulation 32ZBE(7) to require a registration officer conducting a canvass in respect of a register of local government electors in Wales to conduct the canvass in accordance with Regulation 32ZBD if, after complying with the process set out in sub-paragraphs (3) to (6) a registration officer has reason to believe that it may be necessary to remove a person from the register or that there is a person at the address who may be entitled to be registered but is not aware of the person's name.

Regulation 17 amends regulation 32ZBF (annual canvass in respect of particular types of property) in the 2001 Regulations. Regulation 17(a) amends Regulation 32ZBF(4) so that the provision will apply to a registration officer conducting a canvass in respect of a register of local government electors in Wales. Regulation 17(b) inserts new paragraph (5A) which requires a registration officer in respect of a register of local government electors in Wales to make contact with the responsible person (defined in regulation 32ZBF(8)) and request information in relation to each person aged 14 or over who is residing at the address and eligible to vote and will apply to a register of local government electors in Wales. Regulation 17(c) makes provision that is consequential on the insertion of new paragraph (5A).

Regulation 18 amends regulation 32ZBG (electoral Commission requirements) in the 2001 Regulations. Regulation 32ZBG(1)(a) places a duty on the Electoral Commission to design paper communication forms for the reformed annual canvass. Regulation 32ZBG(4) makes provision about the information that must be included in canvass communication A. Regulation 18 (a) amends

Regulation 32ZBG(4)(a), (b) and (d)(ii) so that canvass communication A is designed so that it requires information specific to the canvass of local government electors in Wales. Regulation 18(b) inserts new paragraph (4)(d)(iii) in order to require that in relation to the registration of local government electors in Wales, the canvass communication must require additional information. Regulation 32ZBG(5) makes provision about the information that must be included in the canvass form. Regulation 18(c) amends Regulation 32ZBG(5)(a), (b) and (d) so that the requirements in paragraph (5) will apply to a register of local government electors in Wales. Regulation 18(e) inserts new paragraph (f) in order to require that in relation to the registration of local government electors in Wales, the canvass form must require additional information.

Regulation 19 revokes Regulation 93A(3) in the 2001 Regulations.

Regulation 21 amends Regulation 20(1) of the 2019 Regulations so that the duty in paragraph (1) will apply to a registration officer in relation to a register of local government electors in Wales.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessment was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ.