
STATUTORY INSTRUMENTS

2022 No. 1401 (C. 110)

REPRESENTATION OF THE PEOPLE

The Elections Act 2022 (Commencement
No. 6 and Savings) Regulations 2022

Made - - - - 22nd December
2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 67(1) and (4) of the Elections Act 2022(1).

Citation

1. These Regulations may be cited as the Elections Act 2022 (Commencement No. 6 and Savings) Regulations 2022.

Provisions coming into force on 16th January 2023

2. The following provisions of the Elections Act 2022 come into force on 16th January 2023—
- (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 sub-paragraphs (ii) to (xiv);
 - (ii) paragraphs 2 to 7, so far as not already in force;
 - (iii) paragraph 8;
 - (iv) paragraph 9, except so far as it inserts “19B,”;
 - (v) paragraph 10, so far as it relates to the provisions brought into force by sub-paragraphs (vi) to (xiv);
 - (vi) paragraphs 12 to 14;

- (vii) paragraph 15, so far as not already in force, except sub-paragraph (2);
- (viii) paragraph 16;
- (ix) in paragraph 17—
 - (aa) sub-paragraph (1), so far as it relates to the provisions brought into force by paragraphs (bb) to (dd);
 - (bb) sub-paragraphs (2) to (6);
 - (cc) sub-paragraph (7), except so far as it inserts paragraph (1DC)(b) and the “and” preceding it;
 - (dd) sub-paragraphs (9) and (10);
- (x) paragraphs 18 to 23;
- (xi) paragraph 24, so far as not already in force;
- (xii) paragraph 25, except so far as it inserts sub-paragraph (dc);
- (xiii) paragraphs 27 to 32, so far as not already in force;
- (xiv) paragraph 33;
- (xv) paragraphs 34 to 37;
- (xvi) paragraphs 38 to 40;
- (e) in Schedule 2 (power to make regulations about registration, absent voting and other matters), paragraph 14 so far as not already in force;
- (f) the following paragraphs of Schedule 6 (local elections in Northern Ireland and elections to the Northern Ireland Assembly)—
 - (i) paragraphs 1 and 6, so far as those paragraphs relates to the provisions brought into force by sub-paragraphs (ii) to (vii);
 - (ii) paragraphs 10 and 11;
 - (iii) in paragraph 13—
 - (aa) sub-paragraph (1), so far as it relates to the provisions brought into force by paragraph (bb);
 - (bb) sub-paragraphs (4) to (6);
 - (iv) in paragraph 14—
 - (aa) sub-paragraph (1), so far as it relates to the provisions brought into force by paragraphs (bb) to (dd);
 - (bb) sub-paragraphs (2) to (6);
 - (cc) sub-paragraph (7), except so far as it inserts paragraph (5C)(b);
 - (dd) sub-paragraphs (8) and (9);
 - (v) paragraph 15;
 - (vi) paragraph 16, so far as not already in force;
 - (vii) paragraphs 17 and 18;
 - (viii) paragraph 23, so far as it relates to the provisions brought into force by sub-paragraph (ix);
 - (ix) in paragraph 26—
 - (aa) sub-paragraph (1), so far as it relates to the provisions brought into force by paragraph (bb);
 - (bb) sub-paragraphs (4) and (5);

- (x) paragraph 30, so far as not already in force;
- (xi) paragraphs 35 and 40, so far as they relate to the provision brought into force by sub-paragraph (xii);
- (xii) paragraph 43.

Savings

3.—(1) The provisions which come into force in accordance with regulation 2(d)(iii), (iv), (vi) to (x) and (xii) to (xv), 2(e) and 2(f)(xi) and (xii) do not apply in relation to—

- (a) any parliamentary by-election, or any election to the Northern Ireland Assembly, in respect of which the qualifying date is on or before 3rd May 2023;
- (b) any parliamentary general election in respect of which the qualifying date is on or before 4th October 2023.

(2) For the purposes of section 59A(2) of RPA 1983(2), any parliamentary general election for which the qualifying date is on or before the date stated in paragraph (1)(b) is disregarded.

(3) The provisions which come into force in accordance with regulation 2(f)(i) to (x) do not apply in relation to any local election for which the qualifying date is on or before 3rd May 2023.

(4) In this regulation, “qualifying date” means the date of the poll as specified in the notice of election published—

- (a) in respect of a local election, in accordance with rule 4 of Schedule 5 to the Electoral Law Act (Northern Ireland) 1962(3);
- (b) otherwise, in accordance with rule 5 of Schedule 1 to RPA 1983(4).

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

Scott of Bybrook
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

22nd December 2022

(2) 1983 c. 2. Section 59A is inserted by paragraph 7 of Schedule 1 to the Elections Act 2022. See section 65 of the Elections Act 2022 for the meaning of “RPA 1983”.

(3) 1962 c. 14 (N.I.). Rule 4 was amended by S.I. 2010/2977.

(4) Rule 5 was amended by Part 1 of Schedule 2, and paragraph 74 of Schedule 4, to the Representation of the People Act 1985 (c. 50); by paragraphs 3 and 10 of Schedule 6 to the Representation of the People Act 2000 (c. 2); and by section 19(1) and (3) of the Electoral Administration Act 2006 (c. 22). Schedule 1 to RPA 1983 applies to Northern Ireland Assembly elections by virtue of article 3 of, and Schedule 1 to, S.I. 2001/2599.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the sixth commencement regulations made under the Elections Act 2022 (c. 37) (“the Act”).

Regulation 2 brings into force certain paragraphs in Schedule 1 to the Act (voter identification) on 16th January 2023. Regulation 2 also brings into force certain paragraphs of Schedule 6 to the Act which make similar provision in relation to local elections in Northern Ireland and elections to the Northern Ireland Assembly.

Regulation 3(1) provides that the amendments made by Schedule 1 to the Act to the conduct rules for parliamentary elections in Schedule 1 to the Representation of the People Act 1983 (c. 2) (“RPA 1983”) (and by Schedule 6 to the Act to those conduct rules as modified by the Schedule to the Elections Act 2001 (c. 7) where the polls of a parliamentary election and local election in Northern Ireland are combined) do not apply in respect of a parliamentary by-election where the day of poll for the election is on or before 3 May 2023, or in respect of a parliamentary general election where the day of poll for the election is on or before 4 October 2023.

Regulation 3(1) also provides that the amendments made by Schedules 1 and 6 to the Act to the conduct rules for elections to the Northern Ireland Assembly in Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) do not apply in respect of an election where the day of poll for the election is on or before 3 May 2023.

Regulation 3(2) provides that the duty under section 59A(1) of RPA 1983 (as inserted by paragraph 7 of Schedule 1 to the Act) for the Secretary of State to prepare and publish a report on the effect of voter identification requirements does not apply in respect of a parliamentary general election to which those voter identification requirements do not apply.

Regulation 3(3) provides that the amendments made by Schedule 6 to the Act to the conduct rules for local elections in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) do not apply in respect of an election where the day of poll for the election is on or before 3 May 2023.

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)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Sections 1 (partially) and 2 (partially) | 27.08.2022 | 2022/916 |
| Section 9 (partially) | 24.11.2022 | 2022/916 |
| Section 9 (remainder) | 29.12.2022 | 2022/1270 |
| Section 12 (partially) | 27.08.2022 | 2022/916 |
| Section 12 (partially) | 24.11.2022 | 2022/1226 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Section 12 (partially) | 29.12.2022 | 2022/1270 |
| Section 13 | 26.10.2022 | 2022/1093 |
| Sections 16 to 19 | 19.08.2022 | 2022/908 |
| Sections 20 to 29 | 24.11.2022 | 2022/1226 |
| In Schedule 1, paragraphs 1 (partially), 2 (partially), 3 (partially), 5 (partially), 6 (partially), 10 (partially), 11 (partially), 15 (partially), 17 (partially), 24 (partially), 30 and 32 (partially) | 27.08.2022 | 2022/916 |
| In Schedule 2, paragraphs 1 to 11 and 14 (partially) | 27.08.2022 | 2022/916 |
| In Schedule 6— | | |
| paragraphs 1 (partially) and 6 (partially) | 24.11.2022 | 2022/1226 |
| paragraphs 1 (partially) and 6 (partially) | 29.12.2022 | 2022/1270 |
| paragraph 12 (partially) | 24.11.2022 | 2022/1226 |
| paragraphs 12 (partially), 16 (partially) and 22 | 29.12.2022 | 2022/1270 |
| paragraph 30 (partially) | 27.08.2022 | 2022/916 |
| paragraphs 34 (partially), 35 (partially) and 46 | 29.12.2022 | 2022/1270 |