

2023 No. 1116

REPRESENTATION OF THE PEOPLE

The Representation of the People and Recall Petition (Northern Ireland) (Amendment) Regulations 2023

Made - - - - *18th October 2023*

Coming into force *31st October 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by the provisions specified in Schedule 1.

The Secretary of State has consulted the Electoral Commission in accordance with section 53(5)(a) of the Representation of the People Act 1983(a) and section 7(2)(e) and (h) of the Political Parties, Elections and Referendums Act 2000(b).

The Secretary of State has also consulted the Information Commissioner and such other persons as the Secretary of State considers appropriate, in accordance with section 53(5)(b) and (c) of the Representation of the People Act 1983.

In accordance with section 201(2) of the Representation of the People Act 1983, section 21(6) of the Recall of MPs Act 2015(c) and section 96(2) of the Northern Ireland Act 1998(d), a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People and Recall Petition (Northern Ireland) (Amendment) Regulations 2023.

(2) These Regulations come into force on 31st October 2023.

(3) In these Regulations—

- (a) Part 1 extends to England and Wales, Scotland and Northern Ireland;
- (b) Part 2 extends to Northern Ireland only;
- (c) in Part 3—

(a) 1983 c. 2. Section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6).
(b) 2000 c. 41.
(c) 2015 c. 25.
(d) 1998 c. 47.

- (i) regulations 12, 13, 14(2) and (6), 15, 16, 17, 19, 20 and 22 extend to England and Wales, Scotland and Northern Ireland;
- (ii) regulations 14(1) and (3) to (5), 18 and 21 extend to Northern Ireland only;
- (d) Part 4 extends to Northern Ireland only.

PART 2

Amendments relating to Parliamentary elections

Introductory

2. The Representation of the People (Northern Ireland) Regulations 2008(a) are amended as set out in regulations 3 to 10.

Applications for electoral identity card: notification and appeal

3. After regulation 13 (applications for an electoral identity card) insert—

“Notification of determination of application for electoral identity card

13A.—(1) Where the Chief Electoral Officer for Northern Ireland determines an application for an electoral identity card, they must notify the applicant of that determination, together with any other information required by this regulation.

(2) Where the Chief Electoral Officer refuses the application, they must also notify the applicant of—

- (a) the reason for the refusal,
- (b) the right of appeal under section 58(1)(bb) of the 1983 Act(b), and
- (c) the time in which any notice of appeal under that section must be given (in accordance with regulation 13B(1)).

(3) Where the Chief Electoral Officer notifies the applicant other than by written notification, they must, as soon as reasonably practicable after that notification send a written notification containing the same information to the applicant’s address, as specified in the application.

Appeal following determination

13B.—(1) A person who wishes to appeal under section 58(1)(bb) of the 1983 Act against a determination of the Chief Electoral Officer for Northern Ireland to refuse an application for an electoral identity card must give notice of the appeal to the Chief Electoral Officer before the end of the period of 14 days beginning with the day on which the notification under regulation 13A is given, specifying the grounds of the appeal.

(2) Where regulation 13A(3) applies in respect of the refusal, the reference to notification in paragraph (1) is to be read as the first notification under regulation 13A to that person.

(3) The Chief Electoral Officer must forward any such notice of appeal to the appropriate county court in the manner directed by rules of court together with a statement setting out—

- (a) the material facts which in the Chief Electoral Officer’s opinion have been established in the case,
- (b) the Chief Electoral Officer’s decision, and

(a) S.I. 2008/1741.

(b) Section 58(1)(bb) was inserted by paragraph 6 of Schedule 1 to the Elections Act 2022 (c. 37).

(c) the Chief Electoral Officer’s representations on any point specified as a ground of appeal.

(4) The Chief Electoral Officer must also give to the county court any other information which the court may require and which the Chief Electoral Officer is able to give.

(5) Where it appears to the Chief Electoral Officer that any notices of appeal given to the Chief Electoral Officer are based on similar grounds, the Chief Electoral Officer must inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.”.

Retention of entries on the register following a canvass

4. In regulation 46B (retention of entries on the register following a canvass)(a), in paragraph (6), for the definition of “relevant period”(b) (but not the “and” following it) substitute—

““relevant period”—

(a) in relation to the canvass mentioned in paragraph (2) that was conducted in the year 2021, means the period beginning with the conclusion of the canvass and expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act in the third calendar year following that in which the canvass was conducted;

(b) in relation to any subsequent canvass mentioned in paragraph (2), means the period beginning with the conclusion of the canvass and expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act in the second calendar year following that in which the canvass was conducted;”.

Removal of redundant references to the Police Information Technology Organisation

5.—(1) In regulation 53C (supply of the record of anonymous entries to police forces and other organisations)(c), in paragraph (1), omit sub-paragraph (e) (but not the “and” following it).

(2) In regulation 107 (supply of full register etc to police forces and restrictions on use), in paragraph (1), omit sub-paragraph (d) (but not the “and” following it).

Applications for the appointment of a proxy

6. In regulation 56(1) (additional requirements for applications for the appointment of a proxy)(d)—

(a) after “name” insert “, date of birth”;

(b) omit “together with his family relationship, if any, with the applicant.”.

Applications for postal vote where ballot papers are to be sent to a different address

7. In regulation 55A (additional requirement for applications for ballot papers to be sent to a different address to that in register)(e), in paragraph (1)(c), after “9(4)” insert “or (7)”.

8. In regulation 62 (grant or refusal of applications)(f), at the end insert—

“(6) Paragraphs (7) and (8) apply in the following situations—

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- (a) Regulation 46B was inserted by S.I. 2013/1846.
(b) The definition of “relevant period” was amended by S.I. 2020/581.
(c) Regulation 53C was inserted by S.I. 2014/1808.
(d) Regulation 56 was amended by S.I. 2014/1808.
(e) Regulation 55A was inserted by S.I. 2010/278.
(f) Regulation 62 was amended by S.I. 2018/699 and S.I. 2018/1310.

- (a) where a person makes an application to vote by post under section 6(1) of the 1985 Act (application for postal vote for indefinite period)(a) and the addresses provided in accordance with section 6(6) of that Act (address to which ballot paper should be sent) and regulation 55(2)(b) (address in the register) are different;
- (b) where a person makes an application to vote by post under section 7(1) of the 1985 Act (application for postal vote for a particular election)(b) and the addresses provided in accordance with section 7(5) of that Act (address to which ballot paper should be sent) and regulation 55(2)(b) (address in the register) are different;
- (c) where a person who is a proxy makes an application to vote by post under section 9(4) or (7) of the 1985 Act (application by proxy for postal vote for indefinite period or for a particular election)(c) and the addresses provided for the proxy in accordance with section 9(12) of that Act (address to which ballot paper should be sent) and regulation 55(2)(c) (proxy's address as provided in proxy application) are different;
- (d) where a person makes an application under section 7(2)(a)(d) of the 1985 Act (application by person registered as postal voter for indefinite period to have ballot papers sent to a different address for a particular election);
- (e) where a person makes an application under section 9(8)(e) of the 1985 Act (application by proxy registered as postal voter for indefinite period for ballot papers to be sent to a different address for a particular election).

(7) Where the registration officer grants the application, the notification under paragraph (1) must include a statement that the ballot paper will be sent to the address specified in the application as the address to which the ballot paper should be sent.

(8) A notification about the application under paragraph (1), (4) or (5) must be delivered to the applicant's normal address, except where paragraph (9) applies.

(9) This paragraph applies where the applicant is—

- (a) an applicant registered in pursuance of a service declaration,
- (b) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act(f)),
- (c) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act(g)), or
- (d) an applicant who has an anonymous entry.

(10) In paragraph (8), "the applicant's normal address" means—

- (a) in the situation mentioned in paragraph (6)(a) or (b), the address provided under regulation 55(2)(b) (address in the register);
- (b) in the situation mentioned in paragraph (6)(c), the address provided under regulation 55(2)(c) (proxy's address as provided in proxy application);

(a) Section 6 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), by paragraph 134 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by S.I. 2005/3129, by S.I. 2018/699, by S.I. 2014/1116, by S.I. 2008/699 and by S.I. 2020/581.

(b) Section 7 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), by S.I. 2005/3129, by S.I. 2018/699, by S.I. 2014/1116, by S.I. 2008/699 and by S.I. 2020/581.

(c) Section 9 was amended by paragraph 17 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 38(5) of the Electoral Administration Act 2006 (c. 22) and S.I. 2014/1116.

(d) Subsection (2) was substituted by paragraph 15 of Schedule 6 to the Representation of the People Act 2000 (c. 2).

(e) Subsection (8) was amended by paragraph 17 of Schedule 6 to the Representation of the People Act 2000 (c. 2).

(f) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2), and was amended by section 14(1)(a)(ii) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and by S.I. 2007/1388. It is prospectively amended by paragraph 1(3) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed. Other amendments have been made to section 7B that are not relevant to these Regulations.

(g) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

- (c) in the situation mentioned in paragraph (6)(d), the address recorded under section 6(3)(b) of the 1985 Act (address provided in application for postal vote as address to which ballot papers should be sent);
- (d) in the situation mentioned in paragraph (6)(e), the address recorded under section 9(6)(b) of the 1985 Act (address provided in application for postal vote by proxy as address to which ballot papers should be sent).”.

Supply of date of birth lists to police and pursuant to a court order

9. After Part 6 insert—

“PART 6A

Supply of date of birth lists to police and pursuant to a court order

Interpretation of Part 6A

114A.—(1) In this Part, “date of birth list” means a list prepared under rule 19B(1) of the elections rules (lists of electors’ and proxies’ dates of birth)(a) and includes any part of such a list.

(2) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act, any duty on the Chief Electoral Officer for Northern Ireland to supply a date of birth list imposes only a duty to provide the list in the form in which the Chief Electoral Officer holds it.

Supply of date of birth lists to police forces and restrictions on use

114B.—(1) The Chief Electoral Officer for Northern Ireland must, on receipt of a written request from a police force for a date of birth list—

- (a) if the request was for a copy of a date of birth list in printed form, provide the police force with a printed copy of the list specified in the request;
- (b) if the request was for a date of birth list in data form, provide the police force with the data form of the list specified in the request.

(2) No person serving whether as a constable, officer or employee in a police force may—

- (a) supply a date of birth list, or a copy of such a list, to any person,
- (b) disclose any information contained in a date of birth list, or
- (c) make use of any such information,

otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere)(b).

(3) The restrictions in paragraph (2) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the persons referred to in that paragraph.

(4) In this regulation—

- (a) “police force” means—

(a) Rule 19B was inserted by paragraph 11 of Schedule 1 to the Elections Act 2022 (c. 37).
 (b) A breach of this paragraph (including as applied by paragraph (3)) is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

- (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
- (ii) a police force in Great Britain,
- (iii) the National Crime Agency, or
- (iv) any body of constables established under an Act of Parliament;
- (b) the reference to an employee in a police force includes—
 - (i) any person working or providing services for the police force, and
 - (ii) any person employed by or on behalf of, or working for, a person referred to in sub-paragraph (i).

Court orders for production of date of birth lists

114C.—(1) The High Court, a county court or an election court may make an order for the inspection or production of a date of birth list, if satisfied by evidence on oath that the order is required for the purposes of—

- (a) instituting or maintaining a prosecution in relation to an election, or
- (b) an election petition.

(2) An order under paragraph (1) may be made subject to conditions, including conditions relating to—

- (a) the persons who may inspect the list or to whom the list may be produced,
- (b) the time of inspection or production, and
- (c) the place and mode of inspection or production.

(3) An appeal lies to the High Court from any order of a county court under paragraph (1).

(4) A power to make an order under paragraph (1)—

- (a) in the case of a power of the High Court, may be exercised by any judge of the court otherwise than in open court, and
- (b) in the case of a power of a county court, may be exercised in such manner as may be provided by rules of court.

(5) Where an order is made for the production of a date of birth list relating to a specified election, the production of the list in the manner directed by the order is to be conclusive evidence that the list relates to the specified election.

(6) A third party who has inspected a date of birth list or to whom a date of birth list has been produced pursuant to an order under paragraph (1) may not—

- (a) supply the list, or a copy of it, to any person,
- (b) disclose any information contained in it, or
- (c) make use of any such information,

otherwise than for the purposes of the proceedings in relation to which the order was made^(a).

(7) The restrictions in paragraph (6) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the third party to whom the list was first supplied.

(8) In this regulation, “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate functions.”.

(a) A breach of this paragraph (including as applied by paragraph (7)), is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

Forms used in Parliamentary elections

- 10.**—(1) Schedule 3 (Forms) is amended as follows.
- (2) Replace Form A (elector’s official poll card)(a) with the form in Schedule 2.
 - (3) Replace Form B (proxy’s official poll card)(b) with the form in Schedule 3.
 - (4) Replace Form E (proxy paper)(c) with the form in Schedule 4.

Transitional provision relating to proxy paper form

- 11.**—(1) This regulation applies where a proxy appointment is made during the period—
- (a) beginning with 31st October 2023, and
 - (b) ending with 5th March 2024.
- (2) Form E (proxy paper), as inserted into Schedule 3 to the Representation of the People (Northern Ireland) Regulations 2008(d) by regulation 10(4) applies as if, on the last page, in paragraph 2, at the beginning there were inserted “In relation to an election for which the date of the poll is on or after 5th March 2024,”.
- (3) In this regulation, “proxy appointment” has the same meaning as in paragraph 9(6) of Schedule 4 to the Elections Act 2022(e).

PART 3

Amendments relating to recall petitions

Introductory

12. The Recall of MPs Act 2015 (Recall Petition) Regulations 2016(f) are amended as set out in regulations 13 to 22.

Extent of certain amendments previously made to the Recall of MPs Act 2015 (Recall Petition) Regulations 2016

13. The amendments made to the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 by regulations 70 to 75, 77, 78 and 80 to 82 of the Voter Identification Regulations 2022(g) extend to Northern Ireland (as well as to England and Wales and Scotland).

Date of birth lists

14.—(1) After regulation 13 insert—

“Date of birth lists in Northern Ireland

13A.—(1) The Chief Electoral Officer for Northern Ireland must prepare the following lists—

- (a) a list setting out, in relation to each elector, the elector’s date of birth as supplied pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act(h);

(a) Form A was replaced by S.I. 2015/221.
(b) Form B was replaced by S.I. 2015/221.
(c) Form E was replaced by S.I. 2015/221.
(d) S.I. 2008/1741.
(e) 2022 c. 37.
(f) S.I. 2016/295.
(g) S.I. 2022/1382; for extent of the regulations mentioned see regulation 2(3).
(h) Section 10(4A) was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1A) of section

- (b) a list setting out, in relation to each person appointed to vote as a proxy for an elector, the person's date of birth as supplied pursuant to a relevant provision.
- (2) For the purposes of paragraph (1)(b), "relevant provision" means—
- (a) where the person is or will be registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act (information provided by the canvass or on an application for registration), and
 - (b) where the person is or will be registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), regulation 63(1A) (date of birth of proxy to be included in proxy application)(a).
- (3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the petition clerk or assistant to make a decision under regulation 28(4)(a)(ii) (decision whether specified document raises doubt as to elector's apparent age).
- (4) A person to whom paragraph (5) applies must not, otherwise than in accordance with these Regulations—
- (a) permit a list prepared under paragraph (1) to be inspected;
 - (b) supply to any person a copy of a list prepared under paragraph (1) or information contained in such a list;
 - (c) make use of information contained in a list prepared under paragraph (1).
- (5) This paragraph applies to—
- (a) the Chief Electoral Officer for Northern Ireland;
 - (b) a person to whom functions are delegated by the Chief Electoral Officer;
 - (c) the petition clerk;
 - (d) an assistant to the petition clerk or any other officer appointed to work at the petition signing place.

Supply of date of birth lists to police forces and restrictions on use

13B.—(1) The Chief Electoral Officer for Northern Ireland must, on receipt of a written request from a police force for a date of birth list prepared under regulation 13A(1)—

- (a) if the request was for a copy of a date of birth list in printed form, provide the police force with a printed copy of the list specified in the request;
- (b) if the request was for a date of birth list in data form, provide the police force with the data form of the list specified in the request.

(2) No person serving whether as a constable, officer or employee in a police force may—

- (a) supply a date of birth list, or a copy of such a list, to any person,
- (b) disclose any information contained in a date of birth list, or
- (c) make use of any such information,

otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere).

(3) The restrictions in paragraph (2) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

10A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002; section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000, and subsection (2A) of section 13A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

(a) Paragraph (1A) was inserted into regulation 63 by regulation 19(10)(b) of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

as they apply to the persons referred to in that paragraph.

(4) In this regulation—

(a) “police force” means—

- (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
- (ii) a police force in Great Britain,
- (iii) the National Crime Agency, or
- (iv) any body of constables established under an Act of Parliament;

(b) the reference to an employee in a police force includes—

- (i) any person working or providing services for the police force, and
- (ii) any person employed by or on behalf of, or working for, a person referred to in sub-paragraph (i).

(5) The duty on the Chief Electoral Officer for Northern Ireland to supply a date of birth list under this regulation imposes only a duty to provide the list in the form in which the Chief Electoral Officer holds it.

(6) See also regulation 124A (offence of disclosure of date of birth list in breach of restrictions imposed under this regulation).”.

(2) In regulation 19 (equipment at petition signing place), in paragraph (3), at the end insert—

“(e) in the case of a petition signing place in Northern Ireland, the lists prepared under regulation 13A (date of birth lists).”.

(3) After regulation 45 insert—

“Court orders for production of date of birth lists: Northern Ireland

45A.—(1) The High Court, a county court or a petition court may make an order for the inspection or production of a date of birth list prepared under regulation 13A(1), if satisfied by evidence on oath that the order is required for the purposes of—

- (a) instituting or maintaining a prosecution for an offence in relation to a petition, or
- (b) a recall petition complaint.

(2) An order under paragraph (1) may be made subject to conditions, including conditions relating to—

- (a) the persons who may inspect the list or to whom the list may be produced,
- (b) the time of inspection or production, and
- (c) the place and mode of inspection or production.

(3) An appeal lies to the High Court from any order of a county court under paragraph (1).

(4) A power to make an order under paragraph (1)—

- (a) in the case of a power of the High Court, may be exercised by any judge of the court otherwise than in open court, and
- (b) in the case of a power of a county court, may be exercised in such manner as may be provided by rules of court.

(5) Where an order is made for the production of a date of birth list relating to a specified petition, the production of the list in the manner directed by the order is to be conclusive evidence that the list relates to the specified petition.

(6) A third party who has inspected a date of birth list or to whom a date of birth list has been produced pursuant to an order under paragraph (1) may not—

- (a) supply the list, or a copy of it, to any person,
- (b) disclose any information contained in it, or

(c) make use of any such information,
otherwise than for the purposes of the proceedings in relation to which the order was made.

(7) The restrictions in paragraph (6) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the third party to whom the list was first supplied.

(8) In this regulation, “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate functions.

(9) See also regulation 124A (offence of disclosure of date of birth list in breach of restrictions imposed under this regulation).”.

(4) After regulation 46 insert—

“Destruction of date of birth lists: Northern Ireland

46A. The Chief Electoral Officer for Northern Ireland must destroy the lists provided under regulation 19(3)(e)—

- (a) on the next working day following the 21st day after the day on which the public notice of the outcome of the recall petition is given under section 14(2)(c) of the Act, or
- (b) if a recall petition complaint is presented before that day, on the next working day following the conclusion of proceedings on the complaint or on appeal from such a complaint.”.

(5) After regulation 124 insert—

“Disclosure of date of birth lists: Northern Ireland

124A.—(1) A person is guilty of an offence—

- (a) if they fail to comply with any of the restrictions imposed under regulation 13B (supply of date of birth lists to police forces and restrictions on use) or regulation 45A (court orders for production of date of birth lists), or
- (b) if they are an appropriate supervisor of a person (P) who fails to comply with any of those restrictions and they failed to take appropriate steps.

(2) P is not guilty of an offence under paragraph (1) if—

- (a) P has an appropriate supervisor, and
- (b) P has complied with all the requirements imposed on P by the appropriate supervisor.

(3) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if they take all reasonable steps to ensure that they comply with the restrictions.

(4) For the purposes of this regulation—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the restrictions.

(5) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

- (6) In regulation 2 (application)(a), in paragraph (5)—
- (a) before sub-paragraph (a) insert—
 - “(za) regulations 13A and 13B (date of birth lists in Northern Ireland);”;
 - (b) after sub-paragraph (b) insert—
 - “(ba) regulation 45A (court orders for production of date of birth lists);
 - “(bb) regulation 46A (destruction of date of birth lists);”;
 - (c) after sub-paragraph (m) insert—
 - “(n) regulation 124A (offence of disclosure of date of birth lists).”.

Petition assistants: restriction on resolving doubts as to identity

15. In regulation 17 (appointment of petition assistants), in paragraph (3)(c)(b), for “(including that paragraph” substitute “or paragraph (6A) of regulation 28 (including those paragraphs”.

Private areas for inspection of identity documents

- 16.—**(1) In regulation 20A (provision of private area for production of proof of identity)(c)—
- (a) omit “in England, Wales and Scotland”;
 - (b) in the heading, omit “: England and Wales and Scotland”.
- (2) In regulation 2 (application)(d), in paragraph (2), omit sub-paragraph (za).

Questions to be put to persons signing the petition

17.—(1) Regulation 25 (questions to be put to persons signing the petition)(e) is amended as follows.

- (2) Omit paragraph (4).
- (3) In paragraph (4A)(f)—
 - (a) in the words before sub-paragraph (a), omit “at a petition held in England, Wales or Scotland”;
 - (b) in sub-paragraph (b), after “not” insert “, in the case of a petition held in England, Wales or Scotland,”.

Signing procedure

18.—(1) Regulation 28 (signing procedure: Northern Ireland) is amended as follows.

- (2) In paragraph (1), for “and (5)” substitute “to (7C)”.
- (3) After paragraph (3) insert—
 - “(3A) The petition clerk or assistant must arrange for the person to produce any document in a private area of the petition signing place if the person so requests, and, in such a case,

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- (a) Regulation 2 was amended by S.I. 2022/1382 and by the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.
 - (b) Sub-paragraph (c) was inserted, in relation to England, Wales and Scotland, by regulation 71 of S.I. 2022/1382 and is extended to Northern Ireland by regulation 13.
 - (c) Regulation 20A was inserted, in relation to England, Wales and Scotland, by regulation 74 of S.I. 2022/1382 and is extended to Northern Ireland by regulation 13.
 - (d) Regulation 2 was amended by S.I. 2022/1382 and by S.I. the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.
 - (e) Regulation 25 was amended, in relation to England, Wales and Scotland, by regulation 75 of S.I. 2022/1382 and those amendments are extended to Northern Ireland by regulation 13.
 - (f) Paragraph (4A) was inserted, in relation to England, Wales and Scotland, by regulation 75 of S.I. 2022/1382, and is extended to Northern Ireland by regulation 13.

must ensure that no other persons witness the production except as permitted by the person.”.

(4) In paragraph (4), for the words from “the clerk” to the end substitute—

“—

(a) the clerk or assistant decides that—

(i) the document, or

(ii) the apparent age of that person as compared with the age according to the date supplied as the date of the person’s birth pursuant to a relevant provision (see paragraph (6C)),

raises a reasonable doubt as to whether the person is the elector or proxy that the person claims to be; or

(b) the clerk or assistant reasonably suspects that the document is a forged document (see paragraph (7A)).”.

(5) In paragraph (5)—

(a) after “decides” insert “or reasonably suspects (as the case may be)”;

(b) after “person” insert “(subject to paragraph (6A))”.

(6) In paragraph (6), after “decides” insert “or reasonably suspects (as the case may be)”.

(7) After paragraph (6) insert—

“(6A) There is an exception from paragraph (5) for cases within sub-paragraph (a) of paragraph (4) where—

(a) a discrepancy between the name of a holder of a specified document and the name of the elector or proxy that the person claims to be is resolved to the petition clerk’s satisfaction at the time of the application by the person producing further proof of identity, and

(b) the petition clerk has no other reason (arising from any document produced by the person) to doubt that the person is the elector or proxy that the person claims to be.

(6B) The refusal to deliver a signing sheet to a person under paragraph (5) does not prevent the person making a further application under paragraph (1), and paragraphs (3) to (6A) apply on any further application.

(6C) For the purposes of paragraph (4)(a)(ii), “relevant provision” means—

(a) where the person is registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act (information provided by the canvass or on an application for registration)(a), and

(b) where the person is registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), regulation 63(1A) (date of birth of proxy to be included in proxy application)(b).”.

(8) In paragraph (7), for “one” substitute “a document (in whatever form issued to the holder and regardless of expiry date)”.

(9) After paragraph (7) insert—

“(7A) In this regulation, a “forged document” means a false document made to resemble a specified document.

(a) Section 10(4A) was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1A) of section 10A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002; section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000, and subsection (2A) of section 13A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

(b) Paragraph (1A) was inserted into regulation 63 by regulation 19(10)(b) of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

(7B) No person other than the petition clerk or an assistant to the petition clerk may inspect a document produced as proof of a person’s identity, except as permitted by the person.

(7C) References in this regulation to producing a document are to producing it for inspection.”.

Signing sheets endorsed by petition clerk

19.—(1) Regulation 29 (signing sheets endorsed by petition clerk)(a) is amended as follows.

(2) For paragraph (1) substitute—

“(1) A person who wishes to sign the petition but is unable to sign the signing sheet on the ground of—

- (a) blindness or other disability, or
- (b) inability to read,

may apply to the petition clerk for the clerk to endorse the person’s signing sheet as mentioned in paragraph (1A).

(1A) If, following an application under paragraph (1), the petition clerk is satisfied that the person is unable to sign the signing sheet, the petition clerk may endorse that person’s signing sheet to indicate that the person was unable to sign the signing sheet as a result of their disability or inability to read but wishes to sign the petition and for their signing sheet to be included in the final count.”.

(3) In paragraph (2), for “(1)” substitute “(1A)”.

(4) In paragraph (3)—

- (a) for “(7)” substitute “(7C)”;
- (b) for the words from “reading” to the end substitute—
“as if—
 - (a) references to delivering a signing sheet to a person were references to endorsing a signing sheet, and
 - (b) in regulation 28(6B), the reference to paragraph (1) were a reference to paragraph (1) of this regulation.”.

Tendered signing sheets

20. In regulation 30 (tendered signing sheets)(b), in paragraph (8)—

- (a) for “(7)” substitute “(7C)”;
- (b) at the end insert “, but as if in regulation 28(6B) the reference to making a further application under regulation 28(1) were to seeking a further time to mark a tendered ballot paper under the paragraph of this regulation under which a previous such attempt was made”.

Refusal to deliver signing sheet

21. In regulation 31 (refusal to deliver signing sheet: Northern Ireland), in paragraph (2), after “that” insert “and to regulation 28(6B)”.

(a) Regulation 29 was amended, in relation to England, Wales and Scotland, by regulation 77 of S.I. 2022/1382, and those amendments are extended to Northern Ireland by regulation 13.

(b) Regulation 30 was amended, in relation to England, Wales and Scotland, by regulation 78 of S.I. 2022/1382, and those amendments are extended to Northern Ireland by regulation 13.

Procedure on close of petition

22. In regulation 37 (procedure on close of petition), in paragraph (1), after sub-paragraph (ea)(a) insert—

“(eb) in the case of a petition held in Northern Ireland, the lists provided under regulation 19(3)(e);”.

PART 4

Amendments relating to Assembly elections

Supply of date of birth lists used in Assembly elections

23. In the Northern Ireland Assembly (Elections) Order 2001(b), in the table in Schedule 2 (application and modification of the 2008 Regulations etc)(c), after the entry for regulation 91 insert—

“Regulation 114A (interpretation of Part 6A)

Regulation 114B (supply of date of birth lists to police forces and restrictions on use)

Regulation 114C (court orders for production of date of birth lists)”.

In paragraph (3), omit the words from the beginning to “Act,”.

18th October 2023

Steve Baker
Minister of State
Northern Ireland Office

SCHEDULES

SCHEDULE 1

Preamble

Enabling Powers

These Regulations are made under the following powers(d)—

- (a) the following provisions of the Representation of the People Act 1983(e)—
 - (i) sections 10A(7), 53(1)(ba) and (c) and (4), 58(2)(b) and (6) and 201(3)(f);
 - (ii) rules 19B(6) to (9) and 28(3) of Schedule 1(g);

(a) Sub-paragraph (ea) was inserted, in relation to England, Wales and Scotland by regulation 81 of S.I. 2022/1382, and is extended to Northern Ireland by regulation 13.

(b) S.I. 2001/2599.

(c) Schedule 2 was substituted by S.I. 2009/256.

(d) See section 202(1) of the Representation of the People Act 1983 (c. 2) for the definition of “prescribed”, which applies to that Act and to section 8 of the Representation of the People Act 1985 (c. 50) by virtue of section 27(2) of that Act.

(e) 1983 c. 2.

(f) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and was amended by paragraph 10 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) (there are other amending instruments but they are not relevant to these regulations); section 53(1)(ba) was inserted by paragraph 1(b) of Schedule 2 to the Elections Act 2022 (c. 37); section 53(4) was inserted by paragraph 109 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); section 58 was substituted by paragraph 5 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraph 6(7)(d) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(g) Rule 19B was inserted by paragraph 11 of Schedule 1 to the Elections Act 2022 (c. 37).

- (iii) paragraphs 1A and 5ZA of Schedule 2(a);
- (b) section 8(6) to (7A) of the Representation of the People Act 1985(b);
- (c) section 18 of the Recall of MPs Act 2015(c);
- (d) section 34(4) of the Northern Ireland Act 1998(d).

SCHEDULE 2

Regulation 10(2)

Form A

*Form A
Front of Card*

<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Poll card</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">UK Parliamentary Election <i>[insert name of constituency]</i> constituency</div> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 5px;"> <tr> <th colspan="2" style="text-align: left; padding: 2px;">Voting information</th> </tr> <tr> <td style="width: 30%; padding: 2px;">Polling day</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Polling hours</td> <td style="padding: 2px;">7.00am to 10.00pm</td> </tr> <tr> <td style="padding: 2px;">Ballot box number</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Your polling station will be</td> <td style="padding: 2px;"></td> </tr> </table> <p style="font-size: small; margin-top: 5px;">You do not need to take this card with you in order to vote but it will save time if you do.</p>	Voting information		Polling day		Polling hours	7.00am to 10.00pm	Ballot box number		Your polling station will be		<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Your details: <i>[Elector's name and qualifying address details here]</i> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> Number on register: </div> <p style="font-size: small; margin-top: 5px;">ⓘ Remember that you will not be able to vote unless you show one of the following forms of photographic identification:</p> <ul style="list-style-type: none"> • A UK, Irish or EEA driving licence • A UK or Irish passport • An Electoral Identity Card • A Translink Senior SmartPass • A Translink 60+ SmartPass • A Translink War Disabled SmartPass • A Translink Blind Person's SmartPass • A Translink Half Fare SmartPass • A biometric immigration document <p style="font-size: small; margin-top: 5px;">ⓘ It is an offence to:</p> <ul style="list-style-type: none"> • vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person • vote as a proxy on behalf of more than four electors, of which no more than two may be domestic electors (a domestic elector is one who is not an overseas or service elector) • vote as a proxy for someone if you know that by law they are not allowed to vote <p style="text-align: right; font-weight: bold; font-size: small; margin-top: 5px;">Please turn over</p>
Voting information											
Polling day											
Polling hours	7.00am to 10.00pm										
Ballot box number											
Your polling station will be											

-
- (a) Paragraph 1A was inserted by paragraph 2 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6) and was amended by section 20(2)(c) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by paragraph 18(2) of Schedule 19 to the Data Protection Act 2018 (c. 12) and by paragraph 4 of Schedule 2 to the Elections Act 2022 (c. 37); paragraph 5ZA was inserted by paragraph 7 of Schedule 2 to the Elections Act 2022 (c. 37).
 - (b) 1985 c. 50; subsections (6) and (7) were amended by paragraph 16 of Schedule 6 to the Representation of the People Act 2000 (c. 2); subsection (7A) was inserted by paragraph 6 of Schedule 4 to the Elections Act 2022 (c. 37).
 - (c) 2015 c. 25.
 - (d) 1998 c. 47; section 34(4) is an order-making power, but provision made under it is included in these Regulations by virtue of section 105 of the Deregulation Act 2015 (c. 20).

Back of Card

<p>If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following:</p> <ul style="list-style-type: none"> • Apply to vote by post. Completed applications must be returned by 5pm on [day] [date of deadline]. If you are given a postal vote, you will not be able to vote in person at this election. <p>OR</p> <ul style="list-style-type: none"> • Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must be returned by 5pm on [day] [date of deadline]. <p>An application form is available on the website or can be requested from the helpline.</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>! If you need any help, require information in another format or language or wish to find out if your polling station is accessible, please contact us.</p> <p><i>[Insert helpline and other contact details including website]</i></p> </div> <p style="text-align: center;">Electoral fraud is a crime</p> <p style="text-align: center;">Issued by the Chief Electoral Officer.</p>
<p>If undelivered return to: <i>[Insert return address]</i></p>	

SCHEDULE 3

Regulation 10(3)

Form B

Form B
Front of Card

<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <p>Proxy poll card</p> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <p>UK Parliamentary Election <i>[insert name of constituency]</i> constituency</p> </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th colspan="2" style="text-align: left; padding: 2px;">Voting information</th> </tr> <tr> <td style="padding: 2px;">Polling day</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Polling hours</td> <td style="padding: 2px;">7.00am to 10.00pm</td> </tr> <tr> <td style="padding: 2px;">Ballot box number</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Your polling station will be</td> <td style="padding: 2px;"></td> </tr> </table> <p style="margin-top: 10px;">For this election you are proxy for: <i>[Elector's name]</i> <i>[Elector's address]</i> <i>[Elector's number on register]</i></p> <p style="font-size: small; margin-top: 5px;">You do not need to take this card with you in order to vote but it will save time if you do.</p>	Voting information		Polling day		Polling hours	7.00am to 10.00pm	Ballot box number		Your polling station will be		<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Your details: <i>[Proxy's name and address details here]</i></p> </div> <ul style="list-style-type: none"> ! Remember that you will not be able to vote unless you show one of the following forms of photographic identification: <ul style="list-style-type: none"> • A UK, Irish or EEA driving licence • A UK or Irish passport • An Electoral Identity Card • A Translink Senior SmartPass • A Translink 60+ SmartPass • A Translink War Disabled SmartPass • A Translink Blind Person's SmartPass • A Translink Half Fare SmartPass • A biometric immigration document ! It is an offence to: <ul style="list-style-type: none"> • vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person • vote as a proxy on behalf of more than four electors, of which no more than two may be domestic electors (a domestic elector is one who is not an overseas or service elector) • vote as a proxy for someone if you know that by law they are not allowed to vote <p style="text-align: right; margin-top: 10px;">Please turn over</p>
Voting information											
Polling day											
Polling hours	7.00am to 10.00pm										
Ballot box number											
Your polling station will be											

Back of Card

<p>How to vote as a proxy At the polling station, tell the staff that you are a proxy for the person named on the front of this card. Show an accepted form of photographic identification for yourself. They will give you that person's ballot paper. If you need any help, just ask the staff.</p>	<p>The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.</p>
<p>If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following:</p> <ul style="list-style-type: none">• Apply to vote by post. The deadline for completed applications is 5pm on [day] [date of deadline].• If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election. <p>To find out how to apply, please contact us.</p>	<p>! If you need any help, require information in another format or language or wish to find out if your polling station is accessible, please contact us. <i>[Insert helpline and other contact details including website]</i></p>

Electoral fraud is a crime

Issued by the Chief Electoral Officer.

If undelivered return to: [insert return address]

SCHEDULE 4

Regulation 10(4)

Form E

Form E

Proxy Paper

UK Parliamentary Election	
<i>[insert name of constituency]</i> constituency	
Name of Proxy	
Address of Proxy	
You have been appointed as proxy for _____ (name of elector) who is qualified to be registered at (Qualifying address) _____ to vote for them at *[Local Council/Parliamentary/Assembly] elections. Signature _____ (Electoral Registration Officer) Date _____ * Delete whichever is inappropriate	

1. This proxy paper gives you the right to vote as a proxy for the elector who is named above.
2. You may not vote as a proxy on behalf of more than four electors, of which no more than two may be domestic electors (a domestic elector is one who is not an overseas or service elector).
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this paper with you to vote but it will save time if you do take the poll card with you.
4. If you cannot vote in person at the polling station, contact the helpline or visit our website.
5. If you have been appointed as a proxy on behalf of an elector who has an anonymous entry in the register, you can only vote by post. If you have not already been granted a postal vote, you should contact the electoral registration officer.

[Insert helpline and other contact details including website]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various changes to the rules governing Parliamentary elections, recall petitions and Assembly elections in Northern Ireland. Many of the changes are required as a result of changes to electoral law made by the Elections Act 2022 (the “2022 Act”).

Part 2 makes amendments to the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (the “2008 Regulations”).

Regulation 3 inserts into the 2008 Regulations two new regulations about applications for electoral identity cards in Northern Ireland: new regulation 13A requires the Chief Electoral Officer in Northern Ireland (the “CEO”) to notify the applicant of the result of their application for a voter identity card; and new regulation 13B provides a right of appeal against a refusal of an electoral identity card.

Regulation 4 amends regulation 46B of the 2008 Regulations, which gives the CEO the power to retain a person’s entry on the electoral register even if the person’s form in response to the canvass was not returned or not completely filled in. In relation to the canvass conducted in 2021 a person’s entry may now be retained for three years (as opposed to the usual two).

Regulation 6 amends regulation 56 of the 2008 Regulations, which sets out the information required on an application for the appointment of a proxy. The first amendment requires a proxy application to include the proxy’s date of birth. The second removes the requirement for the application to provide details of the family relationship between the proxy and the person appointing them. This is required as a result of changes to the rules governing the number of persons for whom a proxy can act (see Schedule 4 to the 2022 Act).

Regulations 7 and 8 amend regulations 55A and 62 of the 2008 Regulations to provide that where a person (including a proxy) applies for a postal vote and requests that their ballot papers are sent to an address which is different from the “normal address” held by the CEO, the CEO must send to that normal address a confirmation that the ballot papers will be sent to the requested address, or the notification that the application has been refused.

Regulation 9 inserts a new Part 6A, which is about the disclosure of date of birth lists to the police (new regulation 114B) and in response to a court order (new regulation 114C). These two new regulations include restrictions on further disclosure, breach of which is a criminal offence under section 66B of the Representation of the People Act 1983.

Regulation 10 and Schedules 2, 3 and 4 make changes to the forms used in Parliamentary elections in Northern Ireland to reflect the changes made by the 2022 Act to the rules on the number of persons for whom a proxy may act and to the acceptable forms of voter identification. Regulation 11 is a transitional provision which requires a proxy paper form for a proxy appointment made before 5th March 2024 to reflect the fact that the new rules on proxy appointments do not yet apply.

Part 3 makes amendments to the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295) (the “Recall Regulations”) as they apply in Northern Ireland.

Regulation 13 extends certain amendments previously made to the Recall Regulations to Northern Ireland, primarily so that they can be operated on by these Regulations.

Regulation 14 inserts into the Recall Regulations five new regulations relating to date of birth lists. New regulation 13A imposes an obligation on the CEO to prepare date of birth lists for electors and proxies (mirroring new paragraph 19B inserted into the rules for Parliamentary elections set out in Schedule 1 to the Representation of the People Act 1983 (the “Parliamentary Elections Rules”) by paragraph 11 of Schedule 1 to the 2022 Act). New regulations 13B and 45A contain provision about the disclosure of date of birth lists to the police and in response to a court order (mirroring the new regulations 114B and 114C inserted into the 2008 Regulations by Part 2), and new regulation 124A makes it a criminal offence for a person to breach the restrictions in those regulations. New regulation 46A makes provision for the destruction of date of birth lists (mirroring equivalent provision inserted into the Parliamentary Elections Rules by the 2022 Act).

Regulations 15 to 22 make various other changes to the Recall Regulations relating to voter identification. These follow changes made to the Parliamentary Elections Rules by the 2022 Act and changes already made to the Recall Regulations in England and Wales and Scotland by the Voter Identification Regulations 2022 (S.I. 2022/1382).

Part 4 amends the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) to apply some of the changes made by Part 1 to Assembly Elections.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen.

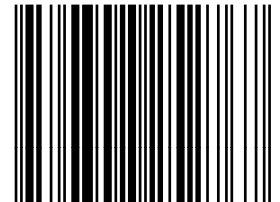
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