

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Electoral
Registration Data Schemes) Regulations 2011**

Made - - - - *****

Coming into force in accordance with regulation 2

The Lord President of the Council makes the following Regulations in exercise of the powers conferred by sections 53(1) and (3) and 201(3) of, and paragraph 10B(1)(a) and (2) of Schedule 2 to, the Representation of the People Act 1983(1).

The Lord President of the Council has consulted the Electoral Commission about these Regulations in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(2).

In accordance with section 201(2) of the 1983 Act(3), a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Citation, commencement and extent

1. These Regulations may be cited as the Representation of the People (Electoral Registration Data Schemes) Regulations 2011.
2. These Regulations come into force on the day after the day on which they are made.
3. These Regulations do not extend to Northern Ireland.

(1) 1983 c. 2. In section 53, subsection (1) was amended by paragraph 13 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and subsection (3) was amended by paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 and amended by paragraph 6(7)(d) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Paragraph 10B of Schedule 2 was substituted by section 9 of the Representation of the People Act 2000. Article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) provides that the powers conferred on the Secretary of State under the 1983 Act (with exceptions which are not relevant here) are exercisable concurrently by the Secretary of State and the Lord President of the Council. Section 202(1) of the 1983 Act provides that “prescribed” means prescribed by regulations.

(2) 2000 c. 41.

(3) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 and amended by article 5(b) of the Transfer of Functions (Returning Officers’ Charges) Order 1991 (S.I. 1991/1728) and paragraph 6(7)(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000.

Supply of electoral register for comparison

4. For the purposes of a scheme included in an order made under section 35 of the Political Parties and Elections Act 2009(4) (schemes for provision of data to registration officers), a registration officer(5) may supply a copy of the whole or a part of the full register(6) to a person in Great Britain in order to enable that copy to be compared with information contained in records kept by a person who is authorised or required to provide information to that registration officer under the scheme.

5. Where a copy of the whole or a part of the full register is supplied to a person under regulation 4, regulation 96(2) of the Representation of the People (England and Wales) Regulations 2001(7) and regulation 95(2) of the Representation of the People (Scotland) Regulations 2001(8) (restriction on use of the full register, or information contained in it, supplied in accordance with enactments or obtained otherwise) are modified by inserting in each “with the consent of the registration officer and” after “other than”.

Signed by authority of the Lord President of the Council

Date

Name
Minister for Political and Constitutional Reform
Cabinet Office

(4) 2009 c. 12.

(5) “Registration officer” is defined in section 9 of the 1983 Act (registration officers).

(6) “The full register” is defined at paragraph 10(1) of Schedule 2 to the 1983 Act.

(7) S.I. 2001/341. Regulation 96 was inserted by regulation 15 of the Representation of the People (England and Wales) (Amendment) Regulations 2002 (S.I. 2002/1871) and amended by regulation 14 of the Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752).

(8) S.I. 2001/497 (S. 2). Regulation 95 was inserted by regulation 14 of the Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872 (S. 7)) and amended by regulation 13 of the Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834 (S. 9)).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that, where there is a scheme in an order made under section 35 of the Political Parties and Elections Act 2009 authorising or requiring a person to provide information to an electoral registration officer, that officer may pass a copy of an electoral register that they have compiled (or part of it) to another person in order for the register to be compared with information kept by the person authorised or required to provide information under the scheme. Where a copy of the register is supplied to a person under these Regulations, that person may only supply the copy to another person, or use or disclose information contained in it which is not contained in the edited register, with the consent of the registration officer who supplied the copy.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.