

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 and section 154(2) of the Police Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

**POLICE, ENGLAND AND WALES
REPRESENTATION OF THE PEOPLE**

**The Representation of the People (Proxy Vote Applications)
(Coronavirus) (Amendment) Regulations 2022**

Made - - - - *******
Coming into force - - *27th February 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 53(1) and 201(3) of the Representation of the People Act 1983(1) (“the 1983 Act”), paragraphs 4(2) and 6(7) of Schedule 4 to the Representation of the People Act 2000(2) and sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011(3) (“the 2011 Act”).

The Secretary of State has consulted the Electoral Commission in accordance with section 7(1) and (2)(e) and (hc) of the Political Parties, Elections and Referendums Act 2000(4).

In accordance with section 201(2) of the 1983 Act(5) and section 154(2) of the 2011 Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

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- (1) 1983 c. 2. Section 53(1) was amended by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 13. Section 201(3) was inserted by the Representation of the People Act 2000, Schedule 1, paragraph 21 and amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 6.
- (2) 2000 c. 2. Paragraph 4 of Schedule 4 was amended by the Electoral Administration Act 2006 (c. 22), section 14 and Schedule 1, paragraphs 19 and 21 and by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), section 20. For the meaning of “prescribed” see section 202(1) of the Representation of the People Act 1983, which applies by virtue of paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000.
- (3) 2011 c. 13. Section 58(1) was amended by S.I. 2014/268, 2016/997 and 2021/1265. Section 154(5) was amended by S.I. 2016/997 and 2021/1265.
- (4) 2000 c. 41. Section 7(2)(hc) was substituted by the Police Reform and Social Responsibility Act 2011, Schedule 10, paragraphs 8 and 11.
- (5) Section 201(2) was substituted by the Representation of the People Act 1985, Schedule 4, paragraph 69; it was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 6, the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), section 13 and by S.I. 1991/1728.

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Proxy Vote Applications) (Coronavirus) (Amendment) Regulations 2022 and come into force on 27th February 2022.

(2) Amendments made by these Regulations have the same extent and application as the instruments they are amending, except for—

- (a) regulation 3, which does not apply in relation to a local government election in Wales, and
- (b) regulation 4, which does not apply in relation to a local government election in Scotland.

(3) The amendments made by regulations 3 to 5 do not apply to an application made in respect of a relevant election or referendum for which the notice of election or referendum was published on or before 27th February 2022.

(4) In these Regulations, “relevant election or referendum” means—

- (a) a parliamentary election;
- (b) an election of a police and crime commissioner under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011⁽⁶⁾;
- (c) a local government election, within the meaning of section 203(1) of the Representation of the People Act 1983⁽⁷⁾;
- (d) any other election or referendum to which Part 4 of the Representation of the People (England and Wales) Regulations 2001⁽⁸⁾ is applied (with or without modifications) by another enactment.

Expiry and saving provision

2.—(1) The amendments made by regulations 3 to 5 expire at the end of 28th February 2023.

(2) Despite paragraph (1), those amendments continue to have effect after that date in relation to an application made in respect of a relevant election or referendum where—

- (a) the notice of the election or referendum is published before 1st March 2023, and
- (b) the poll for that election or referendum takes place on or after that date.

Amendment of the Representation of the People (England and Wales) Regulations 2001

3. Regulation 56 of the Representation of the People (England and Wales) Regulations 2001 (closing date for applications) is amended as follows—

- (a) after paragraph (1), insert—
 - “(1A) Paragraph (2) is subject to paragraph (2A).”;
- (b) in paragraph (2), omit “Subject to paragraph (2A).”;
- (c) for paragraph (2B)(b)(ii), substitute—
 - “(ii) because attendance would be contrary to coronavirus advice given to P.”;
- (d) for paragraph (3AA)(b), substitute—

(6) Chapter 6 was amended by the Crime and Courts Act 2013 (c. 22), Schedule 8, paragraph 184, the Local Government (Democracy) Wales Act 2013 (anaw 4), Schedule 1, paragraph 5, the Policing and Crime Act 2017 (c. 3), section 122(1), Schedule 1, paragraphs 86 and 90, Schedule 2, paragraph 117 and Schedule 9, paragraph 73, the Wales Act 2017 (c. 4), section 8, S.I. 2014/268, 2015/1376, 1526, 2016/997, 2017/470, 2018/1310 and 2021/1265.

(7) The definition of “local government election” was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraph 39.

(8) S.I. 2001/341; relevant amending instruments are S.I. 2001/1700, 2002/1871, 2005/2114, 2006/752, 2910, 2007/1025, 2009/1182, 2010/231, 2012/1479, 2013/388, 591, 3198, 2015/643, 1971, 2016/211, 694, 2017/52, 2018/48, 1310, 2019/1094, 2020/1399 (W. 310), 2021/193 (W. 44), 391, 1188 and 1247 (W. 319).

“(b) because A considers that attendance at the allotted polling station would be contrary to coronavirus advice given to A;”.

Amendment of the Representation of the People (Scotland) Regulations 2001

4. Regulation 56 of the Representation of the People (Scotland) Regulations 2001⁽⁹⁾ (closing date for applications) is amended as follows—

(a) for paragraph (2B)(b)(ii), substitute—

“(ii) because attendance would be contrary to coronavirus advice given to P;”;

(b) for paragraph (3B)(b), substitute—

“(b) because A considers that attendance at the allotted polling station would be contrary to coronavirus advice given to A;”.

Amendment of the Police and Crime Commissioner Elections Order 2012

5. In paragraph 16 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012⁽¹⁰⁾ (closing date for applications), for sub-paragraph (2A)(b), substitute—

“(b) because A considers that attendance at the allotted polling station would be contrary to coronavirus advice given to A;”.

Amendment of the Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021

6. Regulation 2 of the Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021⁽¹¹⁾ (expiry and savings provisions) is amended as follows—

(a) in paragraph (1), for “Regulations 3 to 5”, substitute “The amendments made by regulations 3 to 5”;

(b) in the same paragraph, for “28th February 2022”, substitute “28th February 2023”;

(c) in paragraph (2)(a), for “1st March 2022”, substitute “1st March 2023”.

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

Date

Name
Minister of State
Department for Levelling Up, Housing and
Communities

⁽⁹⁾ S.I. 2001/497 (S. 2); relevant amending instruments are S.I. 2001/1749, 2006/834, 2007/925, 2013/3206 and 2021/391.

⁽¹⁰⁾ S.I. 2012/1917; relevant amending instruments are S.I. 2014/921, 2018/1310 and 2021/391.

⁽¹¹⁾ S.I. 2021/391.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend the expiry date for certain amendments made by the Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 ([S.I. 2021/391](#)) (“the 2021 Regulations”) from 28th February 2022 to 28th February 2023.

The 2021 Regulations amended the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) (“the England and Wales 2001 Regulations”), the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) (S. 2) (“the Scotland 2001 Regulations”), and the Police and Crime Commissioner Elections Order 2012 ([S.I. 2012/1917](#)) (“the 2012 Order”) to allow for applications to vote by proxy to be made up until 5pm on the day of the relevant poll where made on grounds relating to COVID-19.

Regulation 3 further amends the England and Wales 2001 Regulations to remove the ground for applying late where an applicant or their previously appointed long-term proxy has received notification that they are clinically extremely vulnerable or that they are at the highest risk of severe illness from coronavirus. Regulations 4 and 5 make the same change to the Scotland 2001 Regulations and the 2012 Order respectively. Regulation 2 provides that the amendments made by these Regulations will expire on 28th February 2023, subject to a savings provision for polls which have already been notified on or before that date.

Regulation 6 extends the expiry date for certain amendments made by the 2021 Regulations to 28th February 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.