

Status: Point in time view as at 14/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Electoral Registration and Administration Act 2013, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 2

SHARING AND CHECKING INFORMATION ETC

- 1 Schedule 2 to the Representation of the People Act 1983 (provisions which may be contained in regulations as to registration etc) is amended as follows.

Commencement Information

- II** Sch. 2 para. 1 in force at 5.2.2013 by S.I. 2013/219, art. 2(c)

- 2 After paragraph 1 insert—
- “1A (1) Provision authorising or requiring a person to disclose information to another person for the purpose of assisting a registration officer in Great Britain—
- (a) to verify information relating to a person who is registered in a register maintained by the officer or who is named in an application for registration in, or alteration of, a register,
 - (b) to ascertain the names and addresses of people who are not registered but who are entitled to be registered, or
 - (c) to identify those people who are registered but who are not entitled to be registered.
- (2) Provision made under sub-paragraph (1) may authorise or require the person to whom the information is disclosed—
- (a) to compare it with other information;
 - (b) to disclose the results of the comparison to a registration officer for the purpose mentioned in that sub-paragraph.
- (3) The provision that may be made under sub-paragraph (1) or (2) includes provision—
- (a) conferring other functions on a person;
 - (b) authorising the Secretary of State to make grants to a person on whom functions are conferred;
 - (c) authorising a person to disclose or otherwise process information only in accordance with an agreement;
 - (d) authorising or requiring a person to disclose or otherwise process information only in accordance with requirements imposed by the Secretary of State;
 - (e) regulating the manner in which information is disclosed;
 - (f) requiring the retention or disposal, or otherwise regulating the processing, of information disclosed.
- (4) Provision made under this paragraph has effect despite any statutory or other restriction on the disclosure of information.

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(5) In this paragraph “processing” has the same meaning as in the Data Protection Act 1998.”

Commencement Information

I2 Sch. 2 para. 2 in force at 5.2.2013 by S.I. 2013/219, art. 2(c)

3 After paragraph 8B (inserted by section 2) insert—

“8C (1) Provision requiring the retention or disposal, or otherwise regulating the processing, of—

- (a) information provided in an application under section 10ZC or 10ZD;
- (b) information provided to a person in accordance with a requirement imposed by a registration officer in Great Britain under provision made by virtue of paragraph 1(2);
- (c) information provided to a person by virtue of provision made under paragraph 3ZA.

(2) In this paragraph “processing” has the same meaning as in the Data Protection Act 1998.”

Commencement Information

I3 Sch. 2 para. 3 in force at 5.2.2013 by S.I. 2013/219, art. 2(c)

4 In paragraph 13, after sub-paragraph (1ZA) insert—

“(1ZB) Provision making it an offence, in prescribed circumstances, for a person to process information in breach of provision made under paragraph 1A(3)(e) or (f) or 8C.

(1ZC) Provision made under sub-paragraph (1ZB) creating an offence may not—

- (a) provide for the offence to be punishable on conviction on indictment by imprisonment for a term exceeding two years;
- (b) provide for the offence to be punishable on summary conviction by imprisonment for a term exceeding the relevant maximum;
- (c) provide for the offence to be punishable on summary conviction by a fine exceeding the statutory maximum or level 5 on the standard scale (as appropriate).

(1ZD) In sub-paragraph (1ZC)(b) “the relevant maximum”—

- (a) in relation to an offence triable either on indictment or summarily, means—
 - (i) in England and Wales or Scotland, 12 months, and
 - (ii) in Northern Ireland, 6 months;
- (b) in relation to an offence triable only summarily, means—
 - (i) in England and Wales, 51 weeks, and
 - (ii) in Scotland or Northern Ireland, 6 months.”

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I4 Sch. 2 para. 4 in force at 5.2.2013 by S.I. 2013/219, art. 2(c)

5 In section 53 of the Representation of the People Act 1983 (power to make regulations as to registration etc), after subsection (4) insert—

“(5) Before making regulations containing provision under paragraph 1A of Schedule 2, or paragraph 13(1ZB) of that Schedule so far as relating to that paragraph, the Secretary of State must consult—

- (a) the Electoral Commission,
- (b) the Information Commissioner, and
- (c) any other person the Secretary of State thinks appropriate.

(6) The Secretary of State may require the Electoral Commission to—

- (a) prepare a report on specified matters relating to the operation of any provision made under paragraph 1A of Schedule 2, and
- (b) give the Secretary of State a copy of the report by no later than a specified date.

(7) The Secretary of State must publish a copy of the report.

(8) A registration officer in Great Britain must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under subsection (6).”

Commencement Information

I5 Sch. 2 para. 5 in force at 5.2.2013 by S.I. 2013/219, art. 2(c)

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