
Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 1

VOTER IDENTIFICATION

Amendments of RPA 1983

1 RPA 1983 is amended as follows.

Commencement Information

- I1** Sch. 1 para. 1 not in force at Royal Assent, see **s. 67(1)**
- I2** Sch. 1 para. 1 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(i)**
- I3** Sch. 1 para. 1 in force at 16.1.2023 for specified purposes by **S.I. 2022/1401, reg. 2(d)(i)**
- I4** Sch. 1 para. 1 in force at 31.1.2024 in so far as not already in force by **S.I. 2023/1145, reg. 4(a)**

2 After section 13BC insert—

“13BD Electoral identity document: Great Britain

- (1) An application for an electoral identity document may be made by a person who—
 - (a) is or has applied to be registered in a register of parliamentary electors in Great Britain or a register of local government electors in England, or
 - (b) is or has applied to be registered in a register of local government electors in Wales and—
 - (i) is entitled to vote or, as the case may be, will on being registered be entitled to vote, at an election of a police and crime commissioner for a police area in Wales (see section 52(1A) of the Police Reform and Social Responsibility Act 2011), or
 - (ii) will be entitled to vote or, as the case may be, will on being registered be entitled to vote, at such an election on attaining the age of 18.
- (2) An application must be made to a registration officer who maintains a register referred to in subsection (1) in which the applicant is or has applied to be registered.
- (3) A registration officer must, in accordance with regulations, determine an application made to the registration officer.
- (4) Regulations may make provision—
 - (a) about the timing of an application for an electoral identity document;
 - (b) about the issuing or collection of an electoral identity document.

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- (5) Regulations under [subsection \(4\)\(a\)](#) may in particular provide for an application to be disregarded for the purposes of a particular election where the application is received after a deadline specified by reference to the date of that election.
- (6) The provision that may be made by virtue of [subsection \(4\)\(b\)](#) includes provision amending the parliamentary elections rules in connection with the collection of an electoral identity document from a polling station.
- (7) No charge may be made for the issue of an electoral identity document.
- (8) Regulations must require an electoral identity document issued to a person—
 - (a) to state the person’s full name, and
 - (b) to contain a photograph of the person.
- (9) Regulations may require an electoral identity document to include other information.
- (10) Regulations may make provision about—
 - (a) the form of an electoral identity document (including provision for the document to be issued in different forms in different circumstances), and
 - (b) the period for which an electoral identity document issued in a particular form is to be valid.
- (11) Regulations under subsection (9) or (10)(a) may confer functions on the Electoral Commission (for example, the Commission may be required to design an electoral identity document).

13BE Anonymous elector’s document: Great Britain

- (1) An application for an anonymous elector’s document may be made by a person who—
 - (a) has or has applied for an anonymous entry in a register of parliamentary electors in Great Britain or a register of local government electors in England, or
 - (b) has or has applied for an anonymous entry in a register of local government electors in Wales and—
 - (i) is entitled to vote or, as the case may be, will on having an anonymous entry in the register be entitled to vote, at an election of a police and crime commissioner for a police area in Wales (see section 52(1A) of the Police Reform and Social Responsibility Act 2011), or
 - (ii) will be entitled to vote or, as the case may be, will on having an anonymous entry in the register be entitled to vote, at such an election on attaining the age of 18.
- (2) An application must be made to a registration officer who maintains a register referred to in subsection (1) in which the applicant has or has applied for an anonymous entry.
- (3) A registration officer must, in accordance with regulations, determine an application made to the registration officer.

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- (4) Regulations may make provision—
 - (a) about the timing of an application for an anonymous elector’s document;
 - (b) about the issuing or collection of an anonymous elector’s document.
- (5) Regulations under subsection (4)(a) may in particular provide for an application to be disregarded for the purposes of a particular election where the application is received after a deadline specified by reference to the date of that election.
- (6) The provision that may be made by virtue of subsection (4)(b) includes provision amending the parliamentary elections rules in connection with the collection of an anonymous elector’s document from a polling station.
- (7) No charge may be made for the issue of an anonymous elector’s document.
- (8) Regulations must require an anonymous elector’s document issued to a person—
 - (a) to state the person’s electoral number, and
 - (b) to contain a photograph of the person.
- (9) Regulations may require an anonymous elector’s document to include other information.
- (10) Regulations may make provision about—
 - (a) the form of an anonymous elector’s document (including provision for the document to be issued in different forms in different circumstances), and
 - (b) the period for which an anonymous elector’s document issued in a particular form is to be valid.
- (11) Regulations under subsection (9) or (10)(a) may confer functions on the Electoral Commission (for example, the Commission may be required to design an anonymous elector’s document).
- (12) Regulations—
 - (a) may authorise or require a registration officer to remind a person who has an anonymous entry in a register maintained by the officer of the need to obtain an anonymous elector’s document in order to be able to vote in person;
 - (b) may require a registration officer, in prescribed circumstances, to replace an anonymous elector’s document issued to a person with a new anonymous elector’s document issued by the officer.”

Commencement Information

- I5** Sch. 1 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)
I6 Sch. 1 para. 2 in force at 27.8.2022 for specified purposes by [S.I. 2022/916, reg. 2\(d\)\(ii\)](#)
I7 Sch. 1 para. 2 in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401, reg. 2\(d\)\(ii\)](#)

- 3 (1) Section 13C (electoral identity card: Northern Ireland) is amended as follows.
- (2) In subsection (2)—

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- (a) omit the “and” after paragraph (a);
- (b) omit paragraph (b).

(3) After subsection (3) insert—

“(3A) Regulations may make provision about the issuing or collection of an electoral identity card.

(3B) The provision that may be made by virtue of [subsection \(3A\)](#) includes provision amending the parliamentary elections rules in connection with the collection of an electoral identity card from a polling station.”

(4) In subsection (4), in paragraph (d), before “include” insert “subject to provision made by virtue of [subsection \(4A\)](#),”.

(5) After subsection (4) insert—

“(4A) Regulations may make provision—

- (a) about the information to be included in an electoral identity card;
- (b) about the form of an electoral identity card (including provision for the card to be issued in different forms in different circumstances).”

Commencement Information

I8 Sch. 1 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I9 [Sch. 1 para. 3](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(iii\)](#)

I10 [Sch. 1 para. 3](#) in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(d\)\(ii\)](#)

4 (1) Section 13CZA (provision of false information: application for electoral identity card), as extended by paragraph [38](#) of this Schedule, is amended as follows.

(2) For subsection (1) substitute—

“(1) A person commits an offence if the person provides false information in connection with—

- (a) an application under [section 13BD](#) for an electoral identity document,
- (b) an application under [section 13BE](#) for an anonymous elector’s document, or
- (c) an application under section 13C for an electoral identity card.”

(3) For subsection (5) substitute—

“(5) A person who commits an offence under this section is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both).

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(6) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to six months.”

(4) In the heading, after “application for” insert “electoral identity document, anonymous elector’s document or”.

Commencement Information

I11 Sch. 1 para. 4 not in force at Royal Assent, see **s. 67(1)**

I12 Sch. 1 para. 4 in force at 16.1.2023 by **S.I. 2022/1401, reg. 2(d)(ii)**

5 In section 56 (registration appeals: England and Wales), in subsection (1), after paragraph (ab) insert—

“(ac) from a determination of a registration officer not to issue—

(i) an electoral identity document following an application under section 13BD, or

(ii) an anonymous elector’s document following an application under section 13BE.”.

Commencement Information

I13 Sch. 1 para. 5 not in force at Royal Assent, see **s. 67(1)**

I14 Sch. 1 para. 5 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(iv)**

I15 Sch. 1 para. 5 in force at 16.1.2023 in so far as not already in force by **S.I. 2022/1401, reg. 2(d)(ii)**

6 In section 58 (registration appeals: Northern Ireland), in subsection (1), after paragraph (ba) insert—

“(bb) from a determination of the Chief Electoral Officer not to issue an electoral identity card following an application under section 13C;”.

Commencement Information

I16 Sch. 1 para. 6 not in force at Royal Assent, see **s. 67(1)**

I17 Sch. 1 para. 6 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(v)**

I18 Sch. 1 para. 6 in force at 16.1.2023 in so far as not already in force by **S.I. 2022/1401, reg. 2(d)(ii)**

7 After section 59 (supplemental provisions as to members of forces and service voters) insert—

“59A Reports on voter identification requirements in Great Britain

(1) The Secretary of State must prepare and publish reports on the effect of the voter identification requirements on applications made under rule 37(1), 38(1), 39(1) or 40(1) of the parliamentary elections rules.

(2) The duty under subsection (1) applies in respect of each of the first two parliamentary general elections that are held after the day on which [paragraph 7 of Schedule 1](#) to the Elections Act 2022 comes into force.

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- (3) Subsection (4) applies where requirements corresponding to the voter identification requirements (“the corresponding requirements”) have effect in relation to local government elections in England by virtue of rules made under section 36.
- (4) The Secretary of State must prepare and publish reports on the effect of the corresponding requirements on applications made under the provisions of rules made under section 36 corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.
- (5) The duty under subsection (4) applies in respect of the first ordinary elections of councillors for local government areas in England that—
- (a) are held on an ordinary day of election (as determined under section 37) after the day on which the corresponding requirements come into force, and
 - (b) are not combined with a parliamentary general election.
- (6) In preparing a report under this section, the Secretary of State must in particular take into account—
- (a) in the case of a report under subsection (1), information provided to the Secretary of State under rule 40B of the parliamentary elections rules (collection and disclosure of information relating to applications under rules 37 to 40);
 - (b) in the case of a report under subsection (4), information provided to the Secretary of State under any provision of rules made under section 36 corresponding to rule 40B of the parliamentary elections rules.
- (7) In this section, “the voter identification requirements” means paragraphs (1A) to (1T) of rule 37 of the parliamentary elections rules (voting procedure) as it extends to England and Wales and to Scotland (including those paragraphs as applied by rule 38, 39 or 40 of those rules).”

Commencement Information

I19 Sch. 1 para. 7 not in force at Royal Assent, see **s. 67(1)**

I20 Sch. 1 para. 7 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(ii)** (with reg. 3(2))

- 8 (1) Section 61 (other voting offences) is amended as follows.
- (2) In subsection (6), after “deemed to have voted” insert “(but see subsection (6ZA))”.
- (3) After subsection (6) insert—
- “(6ZA) For the purpose of determining whether an application for a ballot paper constitutes an offence under any of the multiple voting provisions, a previous application is to be disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.
- (6ZB) In subsection (6ZA), “the multiple voting provisions” means subsections (2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c).”

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- I21** Sch. 1 para. 8 not in force at Royal Assent, see **s. 67(1)**
I22 Sch. 1 para. 8 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(iii)** (with **reg. 3(1)**)

- 9 In section 66B (failure to comply with conditions relating to supply etc of certain documents), in subsection (1)(a), after “rule” insert “19B, 56A or”.

Commencement Information

- I23** Sch. 1 para. 9 not in force at Royal Assent, see **s. 67(1)**
I24 Sch. 1 para. 9 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(iv)** (with **reg. 3(1)**)
I25 Sch. 1 para. 9 in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(a)**

- 10 Schedule 1 (Parliamentary elections rules) is amended in accordance with paragraphs 11 to 33.

Commencement Information

- I26** Sch. 1 para. 10 not in force at Royal Assent, see **s. 67(1)**
I27 Sch. 1 para. 10 in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(vi)**
I28 Sch. 1 para. 10 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(v)**
I29 Sch. 1 para. 10 in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(a)**

- 11 After rule 19A insert—

“Date of birth lists for polling stations in Northern Ireland

- 19B (1) The Chief Electoral Officer for Northern Ireland must prepare the following lists for each polling station—
- (a) a list setting out, in relation to each elector allotted to the polling station, the elector’s date of birth as supplied pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b);
 - (b) a list setting out, in relation to each person appointed to vote as proxy for an elector allotted to the polling station, 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), 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), section 8(7A) of the Representation of the People Act 1985.
- (3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the presiding officer or a clerk at the polling station to make a decision under rule 37(1B)(a)(ii) (decision whether specified document raises doubt as to voter’s apparent age).

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- (4) A person to whom paragraph (5) applies must not, otherwise than in accordance with these rules (including regulations under paragraph (6))
- (a) permit a list prepared under paragraph (1) for a polling station to be inspected;
 - (b) supply to any person a copy of a list prepared under paragraph (1) for a polling station 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 presiding officer of the polling station;
 - (d) a clerk or other officer appointed to work at the polling station.
- (6) Regulations may make provision—
- (a) enabling the inspection of a list prepared under paragraph (1) by prescribed persons;
 - (b) authorising or requiring prescribed persons to supply a copy of a list prepared under paragraph (1) to such persons as may be prescribed;
 - (c) for the payment of a fee in respect of the inspection of a list or the supply of a copy of a list.
- (7) Regulations under paragraph (6)(a) or (b) may impose conditions in relation to—
- (a) the inspection of a list;
 - (b) the supply of a copy of a list;
 - (c) the purposes for which information contained in a list that is inspected or supplied in pursuance of the regulations may be used.
- (8) The conditions that may be imposed by virtue of paragraph (7)(b) include conditions relating to the extent to which a person to whom a copy of a list has been supplied may—
- (a) supply the copy to any other person,
 - (b) disclose to any other person information contained in the copy, or
 - (c) use any such information for a purpose other than that for which the copy was supplied to the person.
- (9) Regulations under paragraph (6) may also impose, in respect of persons to whom a copy of a list has been supplied or information has been disclosed by virtue of paragraph (8), conditions corresponding to those mentioned in paragraph (8).”

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- I30** Sch. 1 para. 11 not in force at Royal Assent, see [s. 67\(1\)](#)
I31 Sch. 1 para. 11 in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(vii\)](#)
I32 Sch. 1 para. 11 in force at 31.1.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 4\(a\)](#) (with [Sch. para. 3](#))

12 In rule 25 (provision of polling stations), after paragraph (5) insert—

“(6) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”

Commencement Information

- I33** Sch. 1 para. 12 not in force at Royal Assent, see [s. 67\(1\)](#)
I34 Sch. 1 para. 12 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(vi\)](#)

13 (1) Rule 26 (appointment of presiding officers and clerks) is amended as follows.

(2) In paragraph (3), for the words from “except” to the end substitute “except—

- (a) order the arrest of any person or the exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 35(3) or the relevant paragraph of rule 37, or
- (c) resolve doubts over identity as mentioned in the relevant paragraph of rule 37.”

(3) After paragraph (3) insert—

“(4) In paragraph (3), “the relevant paragraph of rule 37” means—

- (a) in sub-paragraph (b)—
 - (i) paragraph (1E) of rule 37 as it extends to England and Wales and to Scotland (including that paragraph as applied by rule 38, 39 or 40);
 - (ii) paragraph (1C) of rule 37 as it extends to Northern Ireland (including that paragraph as applied by rule 38, 39 or 40);
- (b) in sub-paragraph (c)—
 - (i) paragraph (1F) of rule 37 as it extends to England and Wales and to Scotland (including that paragraph as applied by rule 38, 39 or 40);
 - (ii) paragraph (1DA) of rule 37 as it extends to Northern Ireland (including that paragraph as applied by rule 38, 39 or 40).”

Commencement Information

- I35** Sch. 1 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)
I36 Sch. 1 para. 13 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(vi\)](#) (with [reg. 3\(1\)](#))

14 In rule 28 (issue of official poll cards), after paragraph (3) insert—

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- “(3ZA) In the case of a form prescribed under paragraph (3) that relates to—
- (a) elections in England and Wales or Scotland, and
 - (b) an official poll card to be sent to an elector or proxy voting in person at a polling station,
- the form must include details of the documents the voter needs to bring to the polling station, namely—
- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
 - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”

Commencement Information

I37 Sch. 1 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I38 Sch. 1 para. 14 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(vi\)](#) (with [reg. 3\(1\)](#))

- 15 (1) Rule 29 (equipment of polling stations) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (e) insert—
- “(f) in the case of an election held in Northern Ireland, the lists prepared for the polling station under rule 19B.”
- (3) After paragraph (3) insert—
- “(3ZA) In the case of an election held in England and Wales or Scotland, the returning officer must also provide each polling station with a prescribed form (referred to in these rules as “the ballot paper refusal list”) on which entries are to be made as mentioned in rule 40ZB (refusal to deliver ballot paper: Great Britain).”
- (4) After paragraph (4) insert—
- “(4A) In the case of an election held in England and Wales or Scotland, a large notice must be displayed inside each polling station containing—
- (a) details of the documents the voter needs to produce when applying for a ballot paper, namely—
 - (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
 - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card, and
 - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a specified form of identification and the name of the elector or proxy that the voter claims to be.”

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Commencement Information

- I39** Sch. 1 para. 15 not in force at Royal Assent, see **s. 67(1)**
- I40** Sch. 1 para. 15(1) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(viii)**
- I41** Sch. 1 para. 15(1)(3) in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(d)(vii)** (with reg. 3(1))
- I42** Sch. 1 para. 15(2) in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(a)** (with Sch. para. 3)
- I43** Sch. 1 para. 15(3) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(viii)**
- I44** Sch. 1 para. 15(4) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(vii)** (with reg. 3(1))

- 16 (1) Rule 35 (questions to be put to voters) is amended as follows.
- (2) In the table following paragraph (1), in the column headed “Questions”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) At an election held in England and Wales or Scotland,
“What is your name?”
- (zb) At an election held in England and Wales or Scotland,
“What is your address?””
- (3) Before paragraph (3) insert—
- “(2B) In the case of an election held in England and Wales or Scotland, where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”
- (4) For paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives a person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not, in the case of an election held in England and Wales or Scotland, following a referral under paragraph (2B)), and
- (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person.
- In the case of an election held in England and Wales or Scotland, see rule 40ZB (procedure where ballot paper is refused under this paragraph).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of parliamentary electors;
- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.

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(3B) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D), the references to the register in paragraph (3A) above are to be read as references to the notice issued under section 13B(3B) or (3D).”

(5) In paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”.

(6) After paragraph (4) insert—

“(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”

Commencement Information

I45 Sch. 1 para. 16 not in force at Royal Assent, see **s. 67(1)**

I46 Sch. 1 para. 16 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(viii)** (with **reg. 3(1)**)

17 (1) Rule 37 (voting procedure), as it extends to Northern Ireland, is amended as follows.

(2) For the heading substitute “Voting procedure and voter identification requirements: Northern Ireland”.

(3) After paragraph (1A) insert—

“(1AA) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”

(4) In paragraph (1B), for the words from “the officer” to the end substitute “—

- (a) the officer or clerk decides that—
 - (i) the document, or
 - (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to a relevant provision (see paragraph (1DC)),
 raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (1EA)).”

(5) In paragraph (1C)—

- (a) after “decides” insert “or reasonably suspects (as the case may be)”;
- (b) after “voter” insert “(subject to paragraph (1DA))”.

(6) In paragraph (1D), after “decides” insert “or reasonably suspects (as the case may be)”.

(7) After paragraph (1D) insert—

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“(1DA) There is an exception from paragraph (1C) for cases within sub-paragraph (a) of paragraph (1B) where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(1DB) The refusal to deliver a ballot paper under paragraph (1C) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1DA) apply on any further application.

(1DC) For the purposes of paragraph (1B)(a)(ii), “relevant provision” means—

- (a) where the voter is registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act, and
- (b) where the voter is registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), section 8(7A) of the Representation of the People Act 1985.”

(8) In paragraph (1E)—

- (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
- (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
- (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
- (d) after sub-paragraph (l) insert—
 - “(m) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;
 - (n) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”

(9) After paragraph (1E) insert—

“(1EA) In this rule a “forged document” means a false document made to resemble a specified document.”

(10) After paragraph (1F) insert—

“(1FA) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”

Commencement Information

I47 Sch. 1 para. 17 not in force at Royal Assent, see **s. 67(1)**

I48 Sch. 1 para. 17(1) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(ix)**

I49 Sch. 1 para. 17(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(ix)(aa)** (with reg. 3(1))

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- I50** Sch. 1 para. 17(1)(7) in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(a)** (with Sch. para. 3)
- I51** Sch. 1 para. 17(2)-(6) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(ix)(bb)** (with reg. 3(1))
- I52** Sch. 1 para. 17(7) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(ix)(cc)** (with reg. 3(1))
- I53** Sch. 1 para. 17(8) in force at 27.8.2022 by S.I. 2022/916, **reg. 2(d)(ix)**
- I54** Sch. 1 para. 17(9)(10) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(ix)(dd)** (with reg. 3(1))

- 18 (1) Rule 37 (voting procedure), as it extends to England and Wales and to Scotland, is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements: Great Britain”.
- (3) In paragraph (1)—
- (a) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1P), a”, and
 - (b) omit sub-paragraph (a).
- (4) After paragraph (1) insert—
- “(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
- (1B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
- (1C) Paragraph (1D) applies in relation to a voter where—
- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
 - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document (see paragraph (1P)).
- (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.
- (1E) The presiding officer must refuse to deliver a ballot paper to a voter where—
- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
 - (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
- See rule 40ZB (procedure where ballot paper is refused under this paragraph).
- (1F) But there is an exception from paragraph (1E) for cases within sub-paragraph (a) of that paragraph where—

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- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter producing further proof of identity, and
 - (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
- (1G) The refusal to deliver a ballot paper to a voter under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.
- (1H) In this rule a “specified document”, except in the case of a voter with an anonymous entry in the register of electors (as to which see paragraph (1K)), means any of the following documents (in whatever form issued to the holder) that contain a photograph of the holder—
- (a) a United Kingdom passport (see paragraph (1I));
 - (b) a passport issued by an EEA state or a Commonwealth country;
 - (c) a licence to drive a motor vehicle granted under—
 - (i) Part 3 of the Road Traffic Act 1988, or
 - (ii) the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (N.I. 1));
 - (d) a driving licence issued by any of the Channel Islands, the Isle of Man or an EEA state;
 - (e) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007;
 - (f) an identity card bearing the Proof of Age Standards Scheme hologram (a PASS card);
 - (g) a Ministry of Defence Form 90 (Defence Identity Card);
 - (h) a relevant concessionary travel pass (see paragraph (1J));
 - (i) a badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme);
 - (j) an electoral identity document issued under section 13BD (electoral identity document: Great Britain);
 - (k) an electoral identity card issued under section 13C (electoral identity card: Northern Ireland);
 - (l) a national identity card issued by an EEA state.
- (1I) In paragraph (1H)(a) “United Kingdom passport” means a passport issued by—
- (a) the Government of the United Kingdom,
 - (b) the Lieutenant-Governor of any of the Channel Islands or the Isle of Man, or
 - (c) the Government of any British overseas territory.
- (1J) In paragraph (1H)(h), “relevant concessionary travel pass” means a concessionary travel pass listed in the second column of the following table—

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passes funded by the Government of the United Kingdom	<ul style="list-style-type: none"> an Older Person’s Bus Pass a Disabled Person’s Bus Pass an Oyster 60+ card a Freedom Pass
passes funded by the Scottish Government	<ul style="list-style-type: none"> the National Entitlement Card
passes funded by the Welsh Government	<ul style="list-style-type: none"> a 60 and Over Welsh Concessionary Travel Card a Disabled Person’s Welsh Concessionary Travel Card
passes issued under the Northern Ireland Concessionary Fares Scheme	<ul style="list-style-type: none"> a Senior SmartPass a Registered Blind SmartPass or Blind Person’s SmartPass a War Disablement SmartPass or War Disabled SmartPass a 60+ SmartPass a Half Fare SmartPass

(1K) In this rule a “specified document”, in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document issued to the voter under section 13BE which—

- (a) was issued by an appropriate registration officer, and
- (b) contains the voter’s electoral number.

(1L) For the purposes of paragraph (1K)—

“appropriate registration officer” means—

- (a) the registration officer for the constituency in which the election is being held, or
- (b) where the election is being held in a constituency for which there is more than one registration officer, any of those officers;

a voter’s “electoral number” is the number—

- (a) allocated to the voter as stated in the copy of the register of electors, or
- (b) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.

(1M) A reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it (subject to paragraph (1N)).

(1N) Paragraph (1M) does not apply to a document which—

- (a) is referred to in paragraph (1H)(j) or (1K), and

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- (b) in accordance with regulations made by virtue of section 13BD or 13BE (as the case may be), is issued for use only at a particular poll or at particular polls being held on the same day.
- (1P) In this rule a “forged document” means a false document made to resemble a specified document.
- (1Q) Regulations may make provisions varying paragraph (1H), (1I) or (1J) by—
- (a) adding a reference to a document to any of those paragraphs,
 - (b) removing a reference to a document from any of those paragraphs (other than the document referred to in paragraph (1H)(j)), or
 - (c) varying any description of document referred to in any of those paragraphs.
- (1R) The power to make provision by virtue of paragraph (1Q)(b) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission.
- (1S) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.
- (1T) References in this rule to producing a document are to producing it for inspection.”
- (5) In paragraph (2), omit the words from “and only” to the end.
- (6) In paragraph (3), omit sub-paragraph (a).

Commencement Information

I55 Sch. 1 para. 18 not in force at Royal Assent, see **s. 67(1)**

I56 Sch. 1 para. 18 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

19 In rule 38 (votes marked by presiding officer), for paragraph (1A) substitute—

“(1A) The relevant paragraphs of rule 37 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
- (b) in rule 37(1G) as it extends to England and Wales and to Scotland, and in rule 37(1DB) as it extends to Northern Ireland, the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.

(1B) In paragraph (1A), “the relevant paragraphs of rule 37” means—

- (a) paragraphs (1A) to (1T) of rule 37 as it extends to England and Wales and to Scotland;
- (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”

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Commencement Information

I57 Sch. 1 para. 19 not in force at Royal Assent, see **s. 67(1)**

I58 Sch. 1 para. 19 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

20 In rule 39 (voting by persons with disabilities), for paragraph (2A) substitute—

“(2A) The relevant paragraphs of rule 37 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
- (b) in rule 37(1G) as it extends to England and Wales and to Scotland, and in rule 37(1DB) as it extends to Northern Ireland, the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.

(2B) In paragraph (2A), “the relevant paragraphs of rule 37” means—

- (a) paragraphs (1A) to (1T) of rule 37 as it extends to England and Wales and to Scotland;
- (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”

Commencement Information

I59 Sch. 1 para. 20 not in force at Royal Assent, see **s. 67(1)**

I60 Sch. 1 para. 20 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

21 (1) Rule 40 (tendered ballot papers) is amended as follows.

(2) For paragraph (1A) substitute—

“(1A) The relevant paragraphs of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 37(1), subject to the modification set out in paragraph (1AA).

(1AA) The modification is that—

- (a) in rule 37(1G) as it extends to England and Wales and to Scotland, and
- (b) in rule 37(1DB) as it extends to Northern Ireland,

the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.

(1AB) In paragraph (1A), “the relevant paragraphs of rule 37” means—

- (a) paragraphs (1A) to (1T) of rule 37 as it extends to England and Wales and to Scotland;
- (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”

(3) In paragraph (1B), after “where” insert “, at an election held in Northern Ireland”.

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Commencement Information

I61 Sch. 1 para. 21 not in force at Royal Assent, see **s. 67(1)**

I62 Sch. 1 para. 21 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

22 After rule 40ZA insert—

“Refusal to deliver ballot paper: Great Britain

40ZB (1) This rule applies in relation to an election held in England and Wales or Scotland.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(4) Paragraphs (5) and (6) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and
- (b) the voter makes a further application under rule 37(1).

(5) If a ballot paper is delivered to the voter following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter).

(8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.

(9) Subject to rule 37(1G) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.

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(10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.

(11) In this rule—

- (a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and
- (b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.”

Commencement Information

I63 Sch. 1 para. 22 not in force at Royal Assent, see **s. 67(1)**

I64 Sch. 1 para. 22 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

23 In rule 40A—

- (a) for the heading substitute “Refusal to deliver ballot paper: Northern Ireland”;
- (b) in paragraph (2), after “that” insert “and to rule 37(1DB)”.

Commencement Information

I65 Sch. 1 para. 23 not in force at Royal Assent, see **s. 67(1)**

I66 Sch. 1 para. 23 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

24 After rule 40A insert—

“Collection and disclosure of information relating to applications made under rules 37 to 40

40B (1) This rule applies in relation to an election held in England and Wales or Scotland if—

- (a) regulations provide that this rule applies in relation to the election, or
- (b) the election is within a description of elections in relation to which regulations provide that this rule applies.

(2) A presiding officer must—

- (a) collect prescribed information relating to applications made under rules 37(1), 38(1), 39(1) and 40(1), and
- (b) provide the prescribed information to the returning officer as soon as practicable after the close of the poll.

(3) Where the prescribed information relates to an election held in England and Wales—

- (a) the returning officer must forward the information to the relevant registration officer, and
- (b) the relevant registration officer must, as soon as reasonably practicable after receiving the information, deal with it as required by paragraph (5).

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- (4) Where the prescribed information relates to an election held in Scotland, the returning officer must deal with it as required by paragraph (5).
- (5) The relevant registration officer or (as the case may be) the returning officer must—
 - (a) anonymise the prescribed information by removing from it all names and electoral numbers of the people to whom the information relates, and
 - (b) collate the information in the prescribed manner.

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (5) information”.

- (6) The relevant registration officer or (as the case may be) the returning officer must provide the paragraph (5) information—
 - (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (5), and
 - (b) where they request the information, to the Electoral Commission.
- (7) The relevant registration officer or (as the case may be) the returning officer must not disclose the paragraph (5) information otherwise than in accordance with paragraph (6).
- (8) The relevant registration officer or (as the case may be) the returning officer must retain the information anonymised in accordance with paragraph (5)(a) for at least 10 years.
- (9) For the purposes of paragraph (5)(a), a person’s “electoral number” is the number—
 - (a) allocated to the person as stated in the copy of the register of electors, or
 - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.
- (10) Except as provided by paragraph (11), a disclosure of information under this rule does not breach—
 - (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (11) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (12) In this rule—
 - (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);
 - (b) references to the relevant registration officer are to—

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- (i) the registration officer of the local authority in whose area the constituency is situated, or
- (ii) if the constituency comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered.”

Commencement Information

- I67** Sch. 1 para. 24 not in force at Royal Assent, see [s. 67\(1\)](#)
- I68** Sch. 1 para. 24 in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(x\)](#)
- I69** Sch. 1 para. 24 in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(d\)\(xi\)](#)

- 25 In rule 43 (procedure on close of poll), after paragraph (1)(da) insert—
- “(db) in the case of an election held in England and Wales or Scotland, the ballot paper refusal list completed in accordance with rule 40ZB,
 - (dc) in the case of an election held in Northern Ireland, the lists provided to the polling station under rule 29(3)(f),”.

Commencement Information

- I70** Sch. 1 para. 25 not in force at Royal Assent, see [s. 67\(1\)](#)
- I71** Sch. 1 para. 25 in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(d\)\(xii\)](#) (with [reg. 3\(1\)](#))
- I72** Sch. 1 para. 25 in force at 31.1.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 4\(a\)](#) (with [Sch. para. 3](#))

- 26 After rule 53A insert—

“Destruction of date of birth lists: Northern Ireland

- 53B The Chief Electoral Officer for Northern Ireland must destroy the lists provided to the polling station under rule 29(3)(f)—
- (a) on the next working day following the 21st day after the Chief Electoral Officer has returned the name of the member elected, or
 - (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.”

Commencement Information

- I73** Sch. 1 para. 26 not in force at Royal Assent, see [s. 67\(1\)](#)
- I74** Sch. 1 para. 26 in force at 31.1.2024 by [S.I. 2023/1145](#), [reg. 4\(a\)](#) (with [Sch. para. 3](#))

- 27 In rule 54 (sealing up of ballot papers), after paragraph (2)(b) insert—
- “(ba) in the case of an election held in England and Wales or Scotland, the completed ballot paper refusal list,”.

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Commencement Information

I75 Sch. 1 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

I76 [Sch. 1 para. 27](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

28 In rule 55 (delivery of documents to registration officer), after paragraph (1)(ca) insert—

“(cb) in the case of an election held in England and Wales or Scotland, the packet containing the completed ballot paper refusal list,”.

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Commencement Information

I77 Sch. 1 para. 28 not in force at Royal Assent, see [s. 67\(1\)](#)

I78 [Sch. 1 para. 28](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

29 In rule 56 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—

(a) for the opening of the sealed packet containing a completed ballot paper refusal list, or

(b) for the inspection or production of that list,

may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to an election in England and Wales or Scotland.”

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Commencement Information

I79 Sch. 1 para. 29 not in force at Royal Assent, see [s. 67\(1\)](#)

I80 [Sch. 1 para. 29](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

30 After rule 56 insert—

“Inspection of ballot paper refusal list: Great Britain

56A (1) Regulations may make provision about the circumstances in which a registration officer may open the sealed packet containing a completed ballot paper refusal list and inspect the list.

(2) Regulations may impose conditions in relation to the opening of a sealed packet or the inspection of a list by virtue of paragraph (1).

(3) Regulations may make provision about the disclosure by a registration officer of information contained in the ballot paper refusal list.”

.....

Commencement Information

I81 Sch. 1 para. 30 not in force at Royal Assent, see [s. 67\(1\)](#)

I82 [Sch. 1 para. 30](#) in force at 27.8.2022 by [S.I. 2022/916](#), [reg. 2\(d\)\(xi\)](#)

I83 [Sch. 1 para. 30](#) in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

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31 In rule 57 (retention and public inspection of documents), after paragraph (2)(b) insert—

“(ba) in the case of an election held in England and Wales or Scotland, the completed ballot paper refusal list.”

Commencement Information

I84 Sch. 1 para. 31 not in force at Royal Assent, see [s. 67\(1\)](#)

I85 Sch. 1 para. 31 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

32 In rule 58 (disposal of documents in Scotland), after paragraph (2)(b) insert—

“(ba) the references in rule 56A to a registration officer are to be read as references to the returning officer;”.

Commencement Information

I86 Sch. 1 para. 32 not in force at Royal Assent, see [s. 67\(1\)](#)

I87 Sch. 1 para. 32 in force at 27.8.2022 for specified purposes by S.I. 2022/916, [reg. 2\(d\)\(xi\)](#)

I88 Sch. 1 para. 32 in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

33 (1) In the Appendix of Forms, the form of directions for the guidance of the voters in voting is amended as follows.

(2) Before the existing paragraph 1 insert—

“1 You must satisfy the presiding officer about your identity by showing an approved form of ID.”

(3) The existing paragraphs numbered 1, 2, 3 and 4 are re-numbered 2, 3, 4 and 5 respectively.

Commencement Information

I89 Sch. 1 para. 33 not in force at Royal Assent, see [s. 67\(1\)](#)

I90 Sch. 1 para. 33 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(d\)\(xiv\)](#) (with [reg. 3\(1\)](#))

Extension of Northern Ireland voter identification provisions to Great Britain

34 Section 2(3)(b) and (c) of the Elections (Northern Ireland) Act 1985, and section 2(1) of that Act so far as relating to those provisions, extend to England and Wales and to Scotland (as well as to Northern Ireland).

Commencement Information

I91 Sch. 1 para. 34 not in force at Royal Assent, see [s. 67\(1\)](#)

I92 Sch. 1 para. 34 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

35 After section 7(4) of the Elections (Northern Ireland) Act 1985 insert—

“(5) See also paragraph 34 of [Schedule 1](#) to the Elections Act 2022 (which relates to section 2 of this Act).”

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Commencement Information

I93 Sch. 1 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

I94 [Sch. 1 para. 35](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

36 Section 5(2) of the Electoral Fraud (Northern Ireland) Act 2002, and section 5(1) of that Act so far as relating to that provision, extend to England and Wales and to Scotland (as well as to Northern Ireland).

Commencement Information

I95 Sch. 1 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)

I96 [Sch. 1 para. 36](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

37 After section 8(5) of the Electoral Fraud (Northern Ireland) Act 2002 insert—

“(6) See also paragraph 36 of [Schedule 1](#) to the Elections Act 2022 (which relates to section 5 of this Act: disabled voters).”

Commencement Information

I97 Sch. 1 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

I98 [Sch. 1 para. 37](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

38 Section 13CZA of RPA 1983 (provision of false information: application for electoral identity card) extends to England and Wales and to Scotland (as well as to Northern Ireland).

Commencement Information

I99 Sch. 1 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

I100 [Sch. 1 para. 38](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xvi\)](#)

39 After section 27(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 insert—

“(4) See also paragraph 38 of [Schedule 1](#) to the Elections Act 2022 (which relates to section 17 of this Act: electoral identity cards).”

Commencement Information

I101 Sch. 1 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

I102 [Sch. 1 para. 39](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xvi\)](#)

Commencement Information

I91 Sch. 1 para. 34 not in force at Royal Assent, see [s. 67\(1\)](#)

I92 [Sch. 1 para. 34](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

I93 Sch. 1 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

I94 [Sch. 1 para. 35](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

I95 Sch. 1 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)

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- I96** Sch. 1 para. 36 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)
- I97** Sch. 1 para. 37 not in force at Royal Assent, see **s. 67(1)**
- I98** Sch. 1 para. 37 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)
- I99** Sch. 1 para. 38 not in force at Royal Assent, see **s. 67(1)**
- I100** Sch. 1 para. 38 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**
- I101** Sch. 1 para. 39 not in force at Royal Assent, see **s. 67(1)**
- I102** Sch. 1 para. 39 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**

Consequential repeals

- 40 Section 2(2) of the Elections (Northern Ireland) Act 1985 is repealed.

Commencement Information

- I103** Sch. 1 para. 40 not in force at Royal Assent, see **s. 67(1)**
- I104** Sch. 1 para. 40 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**

SCHEDULE 2

Section 2

POWER TO MAKE REGULATIONS ABOUT REGISTRATION, ABSENT VOTING AND OTHER MATTERS

Amendments to the Representation of the People Act 1983

- 1 In section 53 of RPA 1983 (power to make regulations as to registration etc), in subsection (1)—
- (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (b) insert—
 - “(ba) with respect to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections; and”.

Commencement Information

- I105** Sch. 2 para. 1 not in force at Royal Assent, see **s. 67(1)**
- I106** Sch. 2 para. 1 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 2 Schedule 2 to RPA 1983 (provision which may be contained in regulations as to registration etc) is amended in accordance with paragraphs 3 to 11.

Commencement Information

- I107** Sch. 2 para. 2 not in force at Royal Assent, see **s. 67(1)**
- I108** Sch. 2 para. 2 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 3 (1) Paragraph 1 is amended as follows.
- (2) In sub-paragraph (2A)—

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- (a) omit “in Great Britain”;
- (b) in paragraph (a), for “or 10ZD” substitute “, 10ZD, 13BD, 13BE or 13C”;
- (c) in the closing words, for “paragraph 3ZA(5)” substitute “paragraphs 3ZA(5) and 3A(6)”.

(3) After sub-paragraph (5) insert—

“(5A) References in this paragraph to a registration officer’s registration duties include references to—

- (a) in the case of a registration officer in Great Britain, the officer’s functions—
 - (i) under sections 13BD and 13BE, and
 - (ii) in relation to applications under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than applications in relation to a local government election, or local government elections, in Scotland or Wales;
- (b) in the case of the Chief Electoral Officer for Northern Ireland, the Chief Electoral Officer’s functions—
 - (i) under section 13C, and
 - (ii) in relation to applications under section 6, 7 or 8 of the Representation of the People Act 1985.”

Commencement Information

I109 Sch. 2 para. 3 not in force at Royal Assent, see **s. 67(1)**

I110 Sch. 2 para. 3 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

4 (1) Paragraph 1A is amended as follows.

(2) In sub-paragraph (1)(a), for the words from the first “who is” to the end substitute “within sub-paragraph (1A).”.

(3) After sub-paragraph (1) insert—

“(1A) The following persons are within this sub-paragraph—

- (a) a person who is registered in a register maintained by the registration officer;
- (b) a person who is named in—
 - (i) an application for registration in, or alteration of, a register,
 - (ii) an application (including a partially completed application) under section 13BD, 13BE or 13C, or
 - (iii) a relevant absent voting application.

(1B) In sub-paragraph (1A)(b)(i), the reference to an application for registration in, or alteration of, a register includes a reference to a partially completed application submitted through the UK digital service.”

(4) After sub-paragraph (5) insert—

“(6) In sub-paragraph (1), the reference to disclosing information includes, in relation to verifying information relating to a person who is named in a

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relevant registration application or a relevant absent voting application, references to disclosing evidence provided by a person in connection with the application.

(7) In this paragraph—

(a) “relevant absent voting application” means—

- (i) an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than an application in relation to a local government election, or local government elections, in Scotland or Wales, or
- (ii) an application (including a partially completed application) under section 6, 7 or 8 of the Representation of the People Act 1985;

(b) “relevant registration application” means an application (including a partially completed application) for registration in, or alteration of—

- (i) a register of parliamentary electors, or
 - (ii) a register of local government electors in England,
- and includes a form (or partially completed form) in connection with a canvass under section 10;

(c) “the UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors, and the reference in sub-paragraph (1B) to an application submitted through the UK digital service is a reference to an application submitted using that service as an intermediary.

(8) A notice, including a partially completed notice, under section 8(9) of the Representation of the People Act 1985 (cancellation of proxy appointment) is to be treated as a relevant absent voting application for the purposes of this paragraph.”

Commencement Information

I111 Sch. 2 para. 4 not in force at Royal Assent, see **s. 67(1)**

I112 Sch. 2 para. 4 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

5 (1) Paragraph 3ZA is amended as follows.

(2) In sub-paragraph (1)—

- (a) for “or 10ZD” substitute “, 10ZD, 13BD or 13BE”;
- (b) in paragraph (b), after “applications” insert “and any such declarations”.

(3) After sub-paragraph (2) insert—

“(2A) Provision made under sub-paragraph (1) in relation to applications within sub-paragraph (2B) may include provision—

- (a) conferring functions on the Secretary of State to enable applications to be made in a particular manner;
- (b) authorising the Secretary of State, in prescribed circumstances, to complete applications in part for people.

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(2B) The following applications are within this sub-paragraph—

- (a) an application for registration in, or alteration of—
 - (i) a register of parliamentary electors,
 - (ii) a register of local government electors in England, or
 - (iii) a register of local government electors in Scotland or Wales, where the application is submitted through the UK digital service;
- (b) an application under section 13BD or 13BE.”

(4) After sub-paragraph (3) insert—

“(3A) Provision requiring a person making an application under section 13BD or 13BE to provide evidence that the person is the person named in the application.”

(5) In sub-paragraph (4), after “(3)” insert “or (3A)”.

(6) In sub-paragraph (6), after “(3)” insert “or (3A)”.

(7) After sub-paragraph (6) insert—

“(7) In sub-paragraph (2B)(a)(iii), “the UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors, and the reference to an application submitted through the UK digital service is a reference to an application submitted using that service as an intermediary.”

Commencement Information

I113 Sch. 2 para. 5 not in force at Royal Assent, see **s. 67(1)**

I114 Sch. 2 para. 5 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

6 For paragraph 3A substitute—

“3A (1) Provision about—

- (a) applications for registration in Northern Ireland and applications under section 13C, including in particular provision about—
 - (i) the form and contents of applications and of any declarations to be made in connection with them;
 - (ii) the manner in which applications and any such declarations are to be made;
- (b) the manner in which forms in connection with a canvass under section 10 are to be submitted.

(2) Provision made under sub-paragraph (1) may include provision—

- (a) conferring functions on the Secretary of State or the Chief Electoral Officer for Northern Ireland to enable applications to be made, or forms to be submitted, in a particular manner;
- (b) conferring other functions on the Chief Electoral Officer for Northern Ireland;
- (c) conferring functions on the Electoral Commission;

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- (d) authorising the Secretary of State or the Chief Electoral Officer for Northern Ireland, in prescribed circumstances, to complete applications or forms in part for people.
- (3) Provision requiring a person making an application for registration in Northern Ireland—
 - (a) to provide evidence that the person is the person named in the application;
 - (b) to provide evidence of entitlement to be registered.
- (4) Provision requiring a person making an application under section 13C to provide evidence that the person is the person named in the application.
- (5) Provision made under sub-paragraph (3) or (4) must specify the kind of evidence that a person is required to provide.
- (6) Examples of the evidence that may be specified include a person’s date of birth or national insurance number.
- (7) Provision made under sub-paragraph (3) or (4) may require a person to provide the evidence to the Chief Electoral Officer for Northern Ireland or to some other prescribed person (or person of a prescribed description).
- (8) Provision about how any requirement for an applicant to provide a signature in connection with—
 - (a) an application for registration in Northern Ireland, or
 - (b) a form submitted in connection with a canvass under section 10, may be satisfied.”

Commencement Information

I115 Sch. 2 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

I116 Sch. 2 para. 6 in force at 27.8.2022 by [S.I. 2022/916](#), [art. 2\(e\)](#)

7

After paragraph 5 insert—

- “5ZA (1) Provision about the manner in which relevant absent voting applications are to be made.
- (2) Provision made under sub-paragraph (1) may include provision—
 - (a) conferring functions on the Secretary of State, registration officers, or local or public authorities in Great Britain, to enable applications to be made in a particular manner;
 - (b) conferring other functions on registration officers;
 - (c) conferring functions on the Electoral Commission;
 - (d) authorising the Secretary of State or the Chief Electoral Officer for Northern Ireland, in prescribed circumstances, to complete applications in part for people.
 - (3) Provision imposing requirements to be met in relation to a relevant absent voting application.

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- (4) Provision about how any requirement for an applicant to provide a signature in connection with a relevant absent voting application may be satisfied.
- (5) In this paragraph “relevant absent voting application” has the same meaning as in paragraph 1A.
- (6) A notice under section 8(9) of the Representation of the People Act 1985 (cancellation of proxy appointment) is to be treated as a relevant absent voting application for the purposes of this paragraph.”

Commencement Information

I117 Sch. 2 para. 7 not in force at Royal Assent, see **s. 67(1)**

I118 Sch. 2 para. 7 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 8 In paragraph 8B(1), for “or 10ZD” substitute “, 10ZD, 13BD, 13BE or 13C”.

Commencement Information

I119 Sch. 2 para. 8 not in force at Royal Assent, see **s. 67(1)**

I120 Sch. 2 para. 8 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 9 After paragraph 8B insert—
- “8BA (1) Provision requiring a registration officer in Great Britain to keep records of—
- (a) applications made to the officer under sections 13BD and 13BE;
 - (b) documents issued by the officer under those sections.
- (2) Provision requiring the Chief Electoral Officer for Northern Ireland to keep records of—
- (a) applications made to the Chief Electoral Officer under section 13C;
 - (b) electoral identity cards issued under that section.
- (3) Provision made under sub-paragraph (1) or (2) may include provision about information to be shown in a record.
- (4) Provision authorising or requiring a relevant registration officer—
- (a) to supply a copy of a record kept by the officer by virtue of provision made under sub-paragraph (1) or (2), or
 - (b) to disclose information contained in such a record, to such persons and for such purposes as may be prescribed.
- (5) In sub-paragraph (4), “relevant registration officer” means—
- (a) in relation to a record referred to in sub-paragraph (1), a registration officer in Great Britain;
 - (b) in relation to a record referred to in sub-paragraph (2), the Chief Electoral Officer for Northern Ireland.”

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Commencement Information

I121 Sch. 2 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

I122 [Sch. 2 para. 9](#) in force at 27.8.2022 by [S.I. 2022/916](#), [art. 2\(e\)](#)

- 10 In paragraph 8C(1)—
- (a) in paragraph (a), for “or 10A” substitute “, 10A, 13BD, 13BE or 13C”;
 - (b) in paragraph (c), after “3ZA” insert “, 3A or 8BA”.

Commencement Information

I123 Sch. 2 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

I124 [Sch. 2 para. 10](#) in force at 27.8.2022 by [S.I. 2022/916](#), [art. 2\(e\)](#)

- 11 In paragraph 13, after sub-paragraph (1) insert—
- “(1ZZA) References in sub-paragraph (1)(b) to a registration officer’s registration duties include references to—
- (a) in the case of a registration officer in Great Britain, the officer’s functions—
 - (i) under sections 13BD and 13BE, and
 - (ii) in relation to applications under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than applications in relation to a local government election, or local government elections, in Scotland or Wales;
 - (b) in the case of the Chief Electoral Officer for Northern Ireland, the Chief Electoral Officer’s functions—
 - (i) under section 13C, and
 - (ii) in relation to applications under section 6, 7 or 8 of the Representation of the People Act 1985.”

Commencement Information

I125 Sch. 2 para. 11 not in force at Royal Assent, see [s. 67\(1\)](#)

I126 [Sch. 2 para. 11](#) in force at 27.8.2022 by [S.I. 2022/916](#), [art. 2\(e\)](#)

PROSPECTIVE

Power to remove signature requirements

- 12 (1) The Secretary of State may by regulations—
- (a) amend Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) by removing any requirement for an application under paragraph 3, 4 or 7 of that Schedule, other than an excluded application, to contain the applicant’s signature;
 - (b) amend section 6 or 7 of the Representation of the People Act 1985 (absent voting at parliamentary elections in Northern Ireland) by removing any

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requirement for an application under either of those sections to contain the applicant's signature.

- (2) In sub-paragraph (1), “excluded application” means an application in relation to a local government election, or local government elections, in Scotland or Wales.
- (3) Regulations under sub-paragraph (1) may make—
 - (a) different provision for different purposes;
 - (b) consequential, supplementary, incidental, transitional, transitory or saving provision.
- (4) The consequential provision that may be made by virtue of sub-paragraph (3)(b) includes provision amending any provision made by the Representation of the People Acts.
- (5) Regulations under sub-paragraph (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Commencement Information

I127 Sch. 2 para. 12 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

Power to make provision about unique reference numbers: elections in Northern Ireland

- 13 (1) The Secretary of State may by regulations make provision about the issuing or use of unique reference numbers in connection with—
- (a) applications for registration in a register of parliamentary electors, or a register of local electors, in Northern Ireland;
 - (b) applications to vote by post or proxy at parliamentary or local elections in Northern Ireland;
 - (c) a canvass under section 10 of RPA 1983 (maintenance of registers: duty to conduct canvass in Northern Ireland).
- (2) Regulations under sub-paragraph (1) may in particular make provision—
- (a) amending or repealing section 10B of RPA 1983 or any other provision made by the Representation of the People Acts about unique reference numbers allocated under that section;
 - (b) amending or repealing any provision made by the Elected Authorities (Northern Ireland) Act 1989 about such unique reference numbers;
 - (c) changing how unique reference numbers are referred to in any provision made by the Representation of the People Acts or the Elected Authorities (Northern Ireland) Act 1989.
- (3) Regulations under sub-paragraph (1) may make—
- (a) different provision for different purposes;

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(b) consequential, supplementary, incidental, transitional, transitory or saving provision.

(4) The consequential provision that may be made by virtue of sub-paragraph (3)(b) includes provision amending any provision made by the Representation of the People Acts or the Elected Authorities (Northern Ireland) Act 1989.

(5) Regulations under sub-paragraph (1) are to be made by statutory instrument.

(6) A statutory instrument containing regulations under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Commencement Information

I128 Sch. 2 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)

Consequential repeals

14 The following are repealed—

- (a) section 2(2) of the Elections (Northern Ireland) Act 1985;
- (b) paragraph 24(5) of Schedule 1 to the Representation of the People Act 2000;
- (c) paragraph 20(4) of Schedule 4 to the Electoral Registration and Administration Act 2013.

Commencement Information

I129 Sch. 2 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I130 Sch. 2 para. 14(a) in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(e\)](#) (with [reg. 3\(1\)](#))

I131 Sch. 2 para. 14(b)(c) in force at 27.8.2022 by S.I. 2022/916, [art. 2\(e\)](#)

SCHEDULE 3

Section 3

RESTRICTION OF PERIOD FOR WHICH PERSON CAN APPLY FOR POSTAL VOTE

Representation of the People Act 2000

1 Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows.

Commencement Information

I132 Sch. 3 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

I133 Sch. 3 para. 1 in force at 31.10.2023 by S.I. 2023/1145, [reg. 2\(e\)](#)

2 (1) Paragraph 3 (absent vote at elections for definite or indefinite period) is amended as follows.

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- (2) In sub-paragraph (1)—
- (a) in the opening words, omit “(whether for an indefinite period or for a particular period specified in his application)”;
 - (b) in paragraph (b), after “requirements” insert “and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period.”
- (3) After sub-paragraph (1) insert—
- “(1A) Any grant of an application under sub-paragraph (1) to vote by post at parliamentary elections, or at local government elections in England, is to be for—
- (a) the period ending with the third 31 January following the date on which the application is granted, or
 - (b) any shorter period specified in the application.
- (1B) But where the person is or will be registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, [sub-paragraph \(1A\)](#) does not apply and instead any grant of an application to vote by post at parliamentary elections is to be for—
- (a) the period ending with the 1 November until which, by virtue of [section 1D\(1\)\(a\)](#) or [\(3\)\(a\)](#) of the Representation of the People Act 1985, the person is entitled to remain registered in that register, or
 - (b) any shorter period specified in the application.”
- (4) In sub-paragraph (4)—
- (a) in paragraph (a)—
 - (i) omit the “and” at the end of sub-paragraph (i), and
 - (ii) omit sub-paragraph (ii);
 - (b) after paragraph (a) insert—
 - “(aa) in the case of those who may vote by post at parliamentary elections or at local government elections in England (or both), the period for which they may do so,
 - (ab) in the case of—
 - (i) those who may vote by post at local government elections in Scotland or Wales, or
 - (ii) those who may vote by proxy,whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period).”
- (5) In sub-paragraph (5)—
- (a) omit the “or” at the end of paragraph (c);
 - (b) after paragraph (c) insert—
 - “(ca) in the case of a person shown in the record as voting by post at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post at elections of the kind in question has expired, or”;
 - (c) in paragraph (d)—

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- (i) for “or proxy” substitute “at local government elections in Scotland or Wales”, and
 - (ii) after “particular period,” insert “or who applied to vote by proxy for a particular period.”.
- (6) In sub-paragraph (7)—
- (a) omit “(whether for an indefinite period or for a particular period specified in his application)”;
 - (b) after “requirements” insert “and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period”.
- (7) After sub-paragraph (7) insert—
- “(7A) Sub-paragraph (1A) applies to an application under sub-paragraph (7) to vote by post at parliamentary elections, or at local government elections in England, as it applies to an application under sub-paragraph (1) (but this is subject to sub-paragraph (7B)).
- (7B) Where an application under sub-paragraph (7) to vote by post at parliamentary elections is made by a person who is or will be entitled to be registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, sub-paragraph (1B) applies to the application as it applies to an application under sub-paragraph (1).”
- (8) In the heading before paragraph 3, for “definite or indefinite” substitute “a”.

Commencement Information

1134 Sch. 3 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

1135 Sch. 3 para. 2 in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(e\)](#)

- 3 (1) Paragraph 7 (voting as proxy) is amended as follows.
- (2) In sub-paragraph (4), in paragraph (a) omit “(whether for an indefinite period or for a particular period specified in his application)”.
- (3) In sub-paragraph (5), in paragraph (c) after “requirements” insert “and, in the case of an application to vote by post as proxy at local government elections in Scotland or Wales for a particular period, specifies the period”.
- (4) After sub-paragraph (5) insert—
- “(5A) Any grant of an application under sub-paragraph (4)(a) to vote by post as proxy at parliamentary elections, or at local government elections in England, is to be for—
- (a) the period ending with the third 31 January following the date on which the application is granted, or
 - (b) any shorter period specified in the application.”
- (5) In sub-paragraph (6)—
- (a) in paragraph (a)—
 - (i) omit the “and” at the end of sub-paragraph (i), and
 - (ii) omit sub-paragraph (ii) (including the “and” at the end);

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- (b) after paragraph (a) insert—
 - “(aa) in the case of those who may vote by post as proxy at parliamentary elections or at local government elections in England (or both), the period for which they may do so,
 - (ab) in the case of those who may vote by post as proxy at local government elections in Scotland or Wales, whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and”.
- (6) In sub-paragraph (9)—
 - (a) omit the “or” at the end of paragraph (c);
 - (b) after paragraph (c) insert—
 - “(ca) in the case of a person shown in the record as voting by post as proxy at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post as proxy at elections of the kind in question has expired, or”;
 - (c) in paragraph (d), after “as proxy” insert “at local government elections in Scotland or Wales”.

Commencement Information

I136 Sch. 3 para. 3 not in force at Royal Assent, see **s. 67(1)**

I137 Sch. 3 para. 3 in force at 31.10.2023 by **S.I. 2023/1145, reg. 2(e)**

Transitional provision

- 4 (1) This paragraph applies where, immediately before the day specified for the purposes of [this paragraph](#) (“the specified day”), a person has a relevant postal vote entitlement lasting for—
- (a) an indefinite period, or
 - (b) a period that would expire after the end of 3 years beginning with the specified day.
- (2) A “relevant postal vote entitlement” means an entitlement, resulting from the grant of a pre-commencement application, to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both).
- (3) The person’s relevant postal vote entitlement ends on the applicable 31 January (unless it ends sooner).
- (4) “The applicable 31 January” means—
- (a) the third 31 January following the specified day, or
 - (b) if sooner, the signature refresh date.
- (5) “The signature refresh date” means the 31 January by which the registration officer would be required to send the person a regulation 60A notice (assuming no change in the person’s entitlement or entitlements to vote by post or by proxy after the specified day, and disregarding [sub-paragraph \(9\)](#)).

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- (6) As soon as practicable after the specified day, the registration officer must alter the record kept under paragraph 3(4) or 7(6) of Schedule 4 to RPA 2000 (as the case may be) so as to reflect any change resulting from [sub-paragraph \(3\)](#) in the period for which the person’s relevant postal vote entitlement lasts.
- (7) The registration officer must, before the applicable 31 January, send the person—
- (a) a notice informing the person of the date on which the person’s relevant postal vote entitlement is to end, and
 - (b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy).
- (8) [Sub-paragraph \(9\)](#) applies where, as a result of [sub-paragraph \(3\)](#), a person’s relevant postal vote entitlement is to end on the signature refresh date.
- (9) Any requirement to send the person a regulation 60A notice by the signature refresh date does not apply, unless—
- (a) the person has an entitlement (or entitlements) due to continue beyond that date—
 - (i) to vote by post (whether as elector or proxy) at local government elections in Scotland or Wales,
 - (ii) to vote by proxy at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both), or
 - (iii) to vote by proxy at local government elections in Scotland or Wales, and
 - (b) regulation 60A applies in relation to that entitlement (or those entitlements).
- (10) Expressions used in [this paragraph](#) and in Schedule 4 to RPA 2000 have the same meaning as in that Schedule.
- (11) This paragraph does not apply in relation to a person who is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration made at any time before the day on which section 14 comes fully into force (see instead [Part 2](#) of [Schedule 7](#)).
- (12) In [this paragraph](#)—
- “pre-commencement application” means an application made under paragraph 3(1) or 7(4)(a) of Schedule 4 to RPA 2000 before the specified day;
- “register of parliamentary electors” means a register of parliamentary electors maintained under section 9 of RPA 1983;
- “regulation 60A” means regulation 60A (requirement to provide fresh signatures) of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) or the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) ([S. 2](#));
- “regulation 60A notice” means a notice under regulation 60A;
- “RPA 2000” means the Representation of the People Act 2000;
- “specified” means specified by the Secretary of State in regulations made by statutory instrument.

Subordinate Legislation Made

P1 [Sch. 3 para. 4](#): 31.10.2023 specified for the purposes of [Sch. 3 para. 4](#) by [S.I. 2023/1145](#), [reg. 6\(3\)](#)

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I138 Sch. 3 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

I139 Sch. 3 para. 4 in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(e\)](#)

SCHEDULE 4

Section 6

PROXY VOTING: LIMITS AND TRANSITIONAL PROVISION

Representation of the People Act 1983

1 RPA 1983 is amended as follows.

Commencement Information

I140 Sch. 4 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

I141 Sch. 4 para. 1 in force at 31.10.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 2\(f\)\(i\)](#)

I142 Sch. 4 para. 1 in force at 31.1.2024 for specified purposes by [S.I. 2023/1145](#), [reg. 4\(d\)\(i\)](#)

2 (1) Section 61 (other voting offences) is amended as follows.

(2) After subsection (1) insert—

“(1A) A person (“P”) is guilty of an offence if P applies for the appointment of a proxy to vote for P—

(a) at a parliamentary election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at parliamentary elections, for four or more other electors;

(b) at a parliamentary election where—

(i) P is or will be registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration, and

(ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at parliamentary elections, for two or more other electors none of whom is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration;

(c) at a local government election in England, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local government elections in England, for four or more other electors;

(d) at a local government election in England where—

(i) P is or will be registered in a register of local government electors in England otherwise than in pursuance of a service declaration, and

(ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local government elections in England, for two or more other electors none of

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- whom is registered in a register of local government electors in England in pursuance of a service declaration;
- (e) at parliamentary elections, where P knows that the person to be appointed is already appointed as proxy to vote at a parliamentary election, or at parliamentary elections, for four or more other electors;
 - (f) at parliamentary elections where—
 - (i) P is or will be registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a parliamentary election, or at parliamentary elections, for two or more other electors none of whom is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration;
 - (g) at local government elections in England, where P knows that the person to be appointed is already appointed as proxy to vote at a local government election in England, or at local government elections in England, for four or more other electors;
 - (h) at local government elections in England, where—
 - (i) P is or will be registered in a register of local government electors in England otherwise than in pursuance of a service declaration, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote, at a local government election in England, or at local government elections in England, for two or more other electors none of whom is registered in a register of local government electors in England in pursuance of a service declaration.”
- (3) After subsection (3A) insert—
- “(3B) A person (“P”) is also guilty of an offence if P votes as proxy—
- (a) for more than four electors—
 - (i) at a parliamentary election;
 - (ii) where the polls for two or more parliamentary elections are held on the same day, at those elections taken together;
 - (iii) at a local government election in England;
 - (iv) where the polls for two or more local government elections in England are held on the same day, at those elections taken together;
 - (b) for more than two electors—
 - (i) at a parliamentary election, or
 - (ii) where the polls for two or more parliamentary elections are held on the same day, at those elections taken together,
 where P knows that more than two of those electors are registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration;
 - (c) for more than two electors—

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- (i) at a local government election in England, or
- (ii) where the polls for two or more local government elections in England are held on the same day, at those elections taken together,

where P knows that more than two of those electors are registered in a register of local government electors otherwise than in pursuance of a service declaration.”

- (4) In subsection (4)—
 - (a) omit “at a parliamentary election in any constituency or”;
 - (b) after “any electoral area” insert “in Wales or Scotland”.
- (5) In subsection (6), after “subsection” insert “(3B) or”.

Commencement Information

- I143** Sch. 4 para. 2 not in force at Royal Assent, see **s. 67(1)**
- I144** Sch. 4 para. 2(1) in force at 31.10.2023 for specified purposes by S.I. 2023/1145, **reg. 2(f)(ii)**
- I145** Sch. 4 para. 2(1) in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(d)(ii)**
- I146** Sch. 4 para. 2(2) in force at 31.10.2023 by S.I. 2023/1145, **reg. 2(f)(ii)**
- I147** Sch. 4 para. 2(3)-(5) in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(d)(ii)** (with Sch. para. 4)

- 3 In section 202 (general provisions as to interpretation), in subsection (1), after the definition of “registered political party” insert—
 - ““service declaration” means a declaration made by a person under and in accordance with section 15;”.

Commencement Information

- I148** Sch. 4 para. 3 not in force at Royal Assent, see **s. 67(1)**
- I149** Sch. 4 para. 3 in force at 31.10.2023 by S.I. 2023/1145, **reg. 2(f)(iii)**

- 4 (1) Rule 35 of Schedule 1 (questions to be put to voters) is amended as follows.
 - (2) In paragraph (1)—
 - (a) omit “and” at the end of sub-paragraph (a);
 - (b) insert “and” at the end of sub-paragraph (b);
 - (c) after sub-paragraph (b) insert—
 - “(c) must be put if—
 - (i) the person has answered the previous question in the manner indicated, and
 - (ii) the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.”.
 - (3) The table following paragraph (1) is amended in accordance with sub-paragraphs (4) to (6).
 - (4) In entry 2, in the column headed “Questions”, for question (c) substitute—

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-
- (c) ““Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of four or more electors?” [R]
 - (d) If the person answers question (c) in the negative: “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of two or more electors?” [R]
 - (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]
 - (f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]
 - (g) At an election held in Northern Ireland, “What is your date of birth?”.”
-

(5) In entry 3, in the column headed “Questions”, for question (c) substitute—

-
- (c) ““Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of four or more electors?” [R]
 - (d) If the person answers question (c) in the negative: “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of two or more electors?” [R]
 - (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]
 - (f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]”.
-

(6) Omit entry 4.

(7) In paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

Commencement Information

I150 Sch. 4 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

I151 [Sch. 4 para. 4](#) in force at 31.1.2024 for specified purposes by [S.I. 2023/1145](#), [reg. 4\(d\)\(iii\)](#) (with [Sch. para. 5](#))

5 In Schedule 2 (provisions which may be contained in regulations as to registration etc), after paragraph 5B insert—

- “5C (1) Provision as to the steps that the Chief Electoral Officer for Northern Ireland must take, before appointing a person as proxy to vote for another, to ensure that the appointment complies with section 8(2A) of the Representation of the People Act 1985.

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- (2) Provision under sub-paragraph (1) may require a registration officer in Great Britain to provide information about whether the person has or will have an entry in a register of parliamentary electors maintained by the officer.”

Commencement Information

I152 Sch. 4 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

Representation of the People Act 1985

- 6 (1) Section 8 of the Representation of the People Act 1985 (proxies at parliamentary elections in Northern Ireland) is amended as follows.

- (2) After subsection (2) insert—

“(2A) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election unless the person is or will be registered in a register of parliamentary electors in Great Britain or Northern Ireland.”

- (3) In subsection (3)—

- (a) omit the “or” at the end of paragraph (a);
(b) omit paragraph (b).

- (4) For subsection (5) substitute—

“(5) A person—

- (a) is not entitled to vote as proxy at a parliamentary election on behalf of more than two electors who do not fall within subsection (5A), but
(b) subject to paragraph (a), is entitled to vote as proxy at a parliamentary election on behalf of up to four electors.

(5A) An elector falls within this subsection if the elector is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration.

(5B) Where the polls for two or more parliamentary elections are held on the same day, references in subsection (5A) to a parliamentary election are to all of those elections taken together.”

- (5) After subsection (7) insert—

“(7A) The requirements prescribed under subsections (6) and (7) must include a requirement for an application to contain the proxy’s date of birth.”

Commencement Information

I153 Sch. 4 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

I154 Sch. 4 para. 6(1) in force at 31.10.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 2\(f\)\(iv\)](#)

I155 Sch. 4 para. 6(1) in force at 31.1.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 4\(d\)\(iv\)](#)

I156 Sch. 4 para. 6(2)(3)(5) in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(f\)\(iv\)](#)

I157 Sch. 4 para. 6(4) in force at 31.1.2024 by [S.I. 2023/1145](#), [reg. 4\(d\)\(iv\)](#) (with Sch. para. 4)

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Representation of the People Act 2000

- 7 (1) Paragraph 6 of Schedule 4 to the Representation of the People Act 2000 (proxies at parliamentary elections and local government elections in Great Britain) is amended as follows.
- (2) After sub-paragraph (5B) insert—
- “(5C) A person—
- (a) is not entitled to vote as proxy at a parliamentary election, or at a local government election in England, on behalf of more than two electors who do not fall within sub-paragraph (5D), but
- (b) subject to paragraph (a), is entitled to vote as proxy at any such election on behalf of up to four electors.
- (5D) An elector falls within this sub-paragraph—
- (a) in relation to a parliamentary election, if the elector is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration;
- (b) in relation to a local government election in England, if the elector is registered in a register of local government electors in England in pursuance of a service declaration.
- (5E) Where the polls for two or more parliamentary elections are held on the same day, references in sub-paragraph (5C) to a parliamentary election are to all of those elections taken together.
- (5F) Where the polls for two or more local government elections in England are held on the same day, references in sub-paragraph (5C) to a local government election in England are to all of those elections taken together.”
- (3) In sub-paragraph (6)—
- (a) omit paragraph (a);
- (b) in paragraph (b), after “electoral area” insert “in Wales or Scotland”.

Commencement Information

I158 Sch. 4 para. 7 not in force at Royal Assent, see **s. 67(1)**

I159 Sch. 4 para. 7 in force at 31.1.2024 by **S.I. 2023/1145, reg. 4(d)(v)** (with **Sch. para. 4**)

Termination of certain proxy appointments on the specified day

- 8 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which **paragraph 2(2)** comes into force, and
- (b) the appointment has effect immediately before the specified day in relation to—
- (i) parliamentary elections in England and Wales or Scotland or local government elections in England (or both), or
- (ii) a particular parliamentary election in England and Wales or Scotland or local government election in England.

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- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The registration officer must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
 - (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the registration officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) Where the specified day is 31 January in a particular year, [sub-paragraph \(6\)](#) applies in relation to a person who—
 - (a) is entitled (before that day) to vote by proxy by means of the proxy appointment, and
 - (b) falls within the category of persons in relation to whom the requirement to send a regulation 60A notice by that day applies.
- (6) The requirement to send the person a regulation 60A notice by the specified day does not apply, unless—
 - (a) the person has an entitlement (or entitlements) due to continue beyond that day—
 - (i) to vote by proxy at local government elections in Scotland or Wales,
 - (ii) to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both), or
 - (iii) to vote by post (whether as elector or proxy) at local government elections in Scotland or Wales, and
 - (b) regulation 60A applies in relation to that entitlement (or those entitlements).
- (7) Nothing in [sub-paragraph \(2\)](#) affects the proxy appointment so far as it also relates to any election or elections other than those mentioned in [sub-paragraph \(1\)\(b\)](#).
- (8) In this paragraph—
 - “proxy appointment” means an appointment of a person to vote as proxy for another person;
 - “registration officer” has the meaning given by section 8(1) of RPA 1983;
 - “regulation 60A” means regulation 60A (requirement to provide fresh signatures) of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) or the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) ([S. 2](#));
 - “regulation 60A notice” means a notice under regulation 60A;
 - “relevant absent voters’ records” means the records kept under paragraphs 3(4), 4(6) and 7(6) and (8) of Schedule 4 to RPA 2000;
 - “RPA 2000” means the Representation of the People Act 2000;
 - “specified” means specified by the Secretary of State in regulations made by statutory instrument.

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Subordinate Legislation Made

P2 Sch. 4 para. 8: 31.1.2024 specified for the purposes of Sch. 4 para. 8 by S.I. 2023/1145, reg. 6(4)(a)

Modifications etc. (not altering text)

C1 Sch. 4 para. 8(2) excluded (31.10.2023) by The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), reg. 1(2), Sch. 2 paras. 26, 39 (with Sch. 2 paras. 18, 31)

Commencement Information

I160 Sch. 4 para. 8 not in force at Royal Assent, see s. 67(1)

I161 Sch. 4 para. 8 in force at 31.10.2023 by S.I. 2023/1145, reg. 2(f)(v) (with Sch. para. 7)

- 9 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of this Schedule come into force, and
 - (b) the appointment has effect immediately before the specified day in relation to—
 - (i) parliamentary elections in Northern Ireland, or
 - (ii) a particular parliamentary election in Northern Ireland.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in sub-paragraph (1)(b).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (6) In this paragraph—
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
 - “relevant absent voters’ records” means the records kept under sections 6(3) and 9(6) and any lists under sections 7(4) and 9(9) of RPA 1985 which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741);
 - “relevant provisions of this Schedule” means paragraphs 2(2) and 6(2);
 - “RPA 1985” means the Representation of the People Act 1985;

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“specified” means specified by the Secretary of State in regulations made by statutory instrument.

Subordinate Legislation Made

P3 Sch. 4 para. 9: 31.1.2024 specified for the purposes of Sch. 4 para. 9 by S.I. 2023/1145, reg. 6(4)(a)

Modifications etc. (not altering text)

C2 Sch. 4 para. 9(2) excluded (31.10.2023) by The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147), reg. 1(2), Sch. 2 para. 39 (with Sch. 2 para. 31)

Commencement Information

I162 Sch. 4 para. 9 not in force at Royal Assent, see s. 67(1)

I163 Sch. 4 para. 9 in force at 31.10.2023 by S.I. 2023/1145, reg. 2(f)(v) (with Sch. para. 7)

Termination of applications for certain proxy appointments on the specified day

- 10 (1) An application for a proxy appointment that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”) is to be treated as not having been made so far as the application relates to—
- parliamentary elections in England and Wales or Scotland or local government elections in England (or both), or
 - a particular parliamentary election in England and Wales or Scotland or local government election in England.
- (2) The registration officer must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(1\)](#) information about how to make a fresh application to vote by proxy.
- (3) [Sub-paragraph \(1\)](#) does not apply where the application was made on or after the day on which [paragraph 2\(2\)](#) comes into force.
- (4) Expressions used in [this paragraph](#) and in [paragraph 8](#) have the same meaning as in that paragraph.

Subordinate Legislation Made

P4 Sch. 4 para. 10: 31.10.2023 specified for the purposes of Sch. 4 para. 10 by S.I. 2023/1145, reg. 6(4)(b)

Commencement Information

I164 Sch. 4 para. 10 not in force at Royal Assent, see s. 67(1)

I165 Sch. 4 para. 10 in force at 31.10.2023 by S.I. 2023/1145, reg. 2(f)(v)

- 11 (1) An application for a proxy appointment that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”) is to be treated as not having been made so far as the application relates to—
- parliamentary elections in Northern Ireland, or
 - a particular parliamentary election in Northern Ireland.
- (2) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(1\)](#) information about how to make a fresh application to vote by proxy.

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- (3) [Sub-paragraph \(1\)](#) does not apply where the application was made on or after the day on which the relevant provisions come into force.
- (4) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (5) Expressions used in [this paragraph](#) and in [paragraph 9](#) have the same meaning as in that paragraph.

Subordinate Legislation Made

P5 [Sch. 4 para. 11](#): 31.10.2023 specified for the purposes of Sch. 4 para. 11 by [S.I. 2023/1145, reg. 6\(4\)\(b\)](#)

Commencement Information

I166 [Sch. 4 para. 11](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I167 [Sch. 4 para. 11](#) in force at 31.10.2023 by [S.I. 2023/1145, reg. 2\(f\)\(v\)](#)

Subordinate Legislation Made

P4 [Sch. 4 para. 10](#): 31.10.2023 specified for the purposes of Sch. 4 para. 10 by [S.I. 2023/1145, reg. 6\(4\)\(b\)](#)

P5 [Sch. 4 para. 11](#): 31.10.2023 specified for the purposes of Sch. 4 para. 11 by [S.I. 2023/1145, reg. 6\(4\)\(b\)](#)

Commencement Information

I164 [Sch. 4 para. 10](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I165 [Sch. 4 para. 10](#) in force at 31.10.2023 by [S.I. 2023/1145, reg. 2\(f\)\(v\)](#)

I166 [Sch. 4 para. 11](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I167 [Sch. 4 para. 11](#) in force at 31.10.2023 by [S.I. 2023/1145, reg. 2\(f\)\(v\)](#)

SCHEDULE 5

Section 8

UNDUE INFLUENCE: FURTHER PROVISION

Local Government Act 1972

- 1 The Local Government Act 1972 is amended as follows.

Commencement Information

I168 [Sch. 5 para. 1](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I169 [Sch. 5 para. 1](#) in force at 1.11.2023 by [S.I. 2023/1145, reg. 3\(g\)](#) (with [Sch. paras. 9\(2\)\(4\)](#))

- 2 In section 80 (disqualifications for election and holding office as member of local authority), in subsection (1), after paragraph (e) insert “; or
- (f) is incapable of being elected to or holding—
- (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a

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- corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
- (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);”.

Commencement Information

I170 Sch. 5 para. 2 not in force at Royal Assent, see s. 67(1)

I171 Sch. 5 para. 2 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(g) (with Sch. paras. 9(2)(4))

Local Government Act (Northern Ireland) 1972

- 3 In section 4 of the Local Government Act (Northern Ireland) 1972 (disqualifications), in subsection (1), after paragraph (e) insert—
- “(ea) the person is incapable of being elected to or holding—
- (i) the office of member of the House of Commons of the Parliament of the United Kingdom, having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983, article 69 of the Police and Crime Commissioner Elections Order 2012 or regulation 136 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (undue influence);
- (ii) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001) (undue influence); or”.

Commencement Information

I172 Sch. 5 para. 3 not in force at Royal Assent, see s. 67(1)

I173 Sch. 5 para. 3 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(g) (with Sch. paras. 9(2)(4))

Representation of the People Act 1983

- 4 (1) RPA 1983 is amended as follows.
- (2) In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) after subsection (4A) insert—
- “(4B) Subject to section 113(2) to (6) of the Electoral Law Act (Northern Ireland) 1962, a person reported by an election court personally guilty of a corrupt practice under paragraph 3 of Schedule 9 to that Act (undue influence)—

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- (a) is, during the relevant period specified in subsection (5), incapable of being elected to the House of Commons, and
- (b) if already elected to a seat in the House of Commons, must vacate the seat as from the date of the report.

(4C) In subsection (4B) “election court” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130 of that Act); and section 94(2) of that Act (persons treated as reported personally guilty) applies also for the purposes of subsection (4B).”;

- (b) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4B)”.

(3) In section 173 (incapacities on conviction for corrupt or illegal practice)—

- (a) after subsection (2) insert—

“(2A) A person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence)—

- (a) is, during the relevant period specified in subsection (3), incapable of being elected to the House of Commons, and
- (b) if already elected to a seat in the House of Commons, must vacate the seat subject to and in accordance with subsections (4) and (5).”;

- (b) in subsection (3), for “subsection (1)(a)” substitute “subsections (1)(a) and (2A)(a)”;

- (c) in subsection (4), after “subsection (1)(b)” insert “or (2A)(b)”;

- (d) after subsection (7) insert—

“(7A) If a person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence) has already been elected to a seat in the House of Commons, the person is (in addition to being subject to the incapacities mentioned in subsection (2A)(a) above and section 112(1)(a)(ii) of that Act) suspended from performing any of the functions of a Member of Parliament during the period of suspension specified in subsection (8).”;

- (e) in subsection (8), for “subsection (7)” substitute “subsections (7) and (7A)”;

- (f) after subsection (9) insert—

“(9A) Any incapacity or other requirement applying to a person by virtue of subsection (2A) or (7A) applies in addition to any punishment imposed under section 108 of the Electoral Law Act (Northern Ireland) 1962; but each of those subsections has effect subject to section 113(2) to (6) of that Act.”

Commencement Information

I174 Sch. 5 para. 4 not in force at Royal Assent, see **s. 67(1)**

I175 Sch. 5 para. 4 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(g)** (with Sch. paras. 9(2)(4))

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Greater London Authority Act 1999

- 5 In section 21 of the Greater London Authority Act 1999 (disqualification from being the Mayor or an Assembly member)—
- (a) omit the “or” after paragraph (d);
 - (b) after paragraph (e) insert “; or
 - (f) the person is incapable of being elected to or holding—
 - (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
 - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

1176 Sch. 5 para. 5 not in force at Royal Assent, see **s. 67(1)**

1177 Sch. 5 para. 5 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(g)** (with Sch. paras. 9(2)(4))

Local Democracy, Economic Development and Construction Act 2009

- 6 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas: further provision about elections), in paragraph 9(1), after paragraph (d) insert—
- “(e) is incapable of being elected to or holding—
 - (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
 - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

1178 Sch. 5 para. 6 not in force at Royal Assent, see **s. 67(1)**

1179 Sch. 5 para. 6 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(g)** (with Sch. paras. 9(2)(4))

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Police Reform and Social Responsibility Act 2011

- 7 In section 66 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner), in subsection (3)—
- (a) omit the “or” at the end of paragraph (c);
 - (b) after paragraph (d) insert “; or
 - (e) the person is incapable of being elected to or holding the office of—
 - (i) member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
 - (ii) member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

I180 Sch. 5 para. 7 not in force at Royal Assent, see **s. 67(1)**

I181 Sch. 5 para. 7 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(g)** (with Sch. paras. 9(2)(4))

SCHEDULE 6

Section 12

LOCAL ELECTIONS IN NORTHERN IRELAND AND
ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

PART 1

LOCAL ELECTIONS IN NORTHERN IRELAND

Electoral Law Act (Northern Ireland) 1962

- 1 The **Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))** is amended as follows.

Commencement Information

I182 Sch. 6 para. 1 not in force at Royal Assent, see **s. 67(1)**

I183 Sch. 6 para. 1 in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(i)**

I184 Sch. 6 para. 1 in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(i)** (with reg. 3)

I185 Sch. 6 para. 1 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(i)** (with reg. 3(3))

I186 Sch. 6 para. 1 in force at 31.10.2023 for specified purposes by S.I. 2023/1145, **reg. 2(g)(i)**

I187 Sch. 6 para. 1 in force at 12.12.2023 for specified purposes by S.I. 2023/1234, **reg. 2(e)(i)** (with reg. 3)

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I188 Sch. 6 para. 1 in force at 31.1.2024 for specified purposes by S.I. 2023/1145, reg. 4(e)(i)

- 2 In section 96 (provisions applying to all persons reported personally guilty of a corrupt or illegal practice)—
- (a) omit “or” at the end of subsection (3A)(b);
 - (b) after subsection (3A)(b) insert—
 - “(ba) a corrupt practice under paragraph 5ZA of that Schedule (handling of postal voting documents by political campaigners); or”.

Commencement Information

I189 Sch. 6 para. 2 not in force at Royal Assent, see s. 67(1)

I190 Sch. 6 para. 2 in force at 12.12.2023 by S.I. 2023/1234, reg. 2(e)(ii) (with reg. 3)

- 3 In section 108 (penalties for corrupt practices), in subsection (4)(a)(i), for “or 4A”, in both places, substitute “; 4A or 5ZA”.

Commencement Information

I191 Sch. 6 para. 3 not in force at Royal Assent, see s. 67(1)

I192 Sch. 6 para. 3 in force at 12.12.2023 by S.I. 2023/1234, reg. 2(e)(ii) (with reg. 3)

- 4 In section 112 (incapacities resulting from convictions for corrupt or illegal practices)—
- (a) omit “or” at the end of subsection (1A)(b);
 - (b) after subsection (1A)(b) insert—
 - “(ba) a corrupt practice under paragraph 5ZA of Schedule 9 (handling of postal voting documents by political campaigners); or”.

Commencement Information

I193 Sch. 6 para. 4 not in force at Royal Assent, see s. 67(1)

I194 Sch. 6 para. 4 in force at 12.12.2023 by S.I. 2023/1234, reg. 2(e)(ii) (with reg. 3)

- 5 In section 114 (corrupt and illegal practices committed by agents), in subsection (1)(a), after “paragraph” insert “5ZA or”.

Commencement Information

I195 Sch. 6 para. 5 not in force at Royal Assent, see s. 67(1)

I196 Sch. 6 para. 5 in force at 12.12.2023 by S.I. 2023/1234, reg. 2(e)(ii) (with reg. 3)

- 6 Schedule 5 (local elections rules) is amended in accordance with paragraphs 7 to 22.

Commencement Information

I197 Sch. 6 para. 6 not in force at Royal Assent, see s. 67(1)

I198 Sch. 6 para. 6 in force at 24.11.2022 for specified purposes by S.I. 2022/1226, reg. 2(d)(i)

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- I199** Sch. 6 para. 6 in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(i)** (with **reg. 3**)
I200 Sch. 6 para. 6 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(i)** (with **reg. 3(3)**)
I201 Sch. 6 para. 6 in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(h)(i)**
I202 Sch. 6 para. 6 in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(e)(ii)**

7 In rule 5 (nomination of candidates), for paragraph (2A) substitute—

“(2A) If a candidate—

- (a) commonly uses a surname that is different from any other surname the candidate has,
- (b) commonly uses a forename that is different from any other forename the candidate has, or
- (c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate’s names are stated in accordance with paragraph (2)(a) (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),

the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a).”

Commencement Information

- I203** Sch. 6 para. 7 not in force at Royal Assent, see **s. 67(1)**
I204 Sch. 6 para. 7 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(h)(ii)** (with **Sch. para. 1(2)**)

8 In rule 12 (publication of statement of persons nominated), in paragraph (2A)—

- (a) for “in addition to another name” substitute “in accordance with rule 5(2A)”;
- (b) for “any other name” substitute “the other surname or forename”.

Commencement Information

- I205** Sch. 6 para. 8 not in force at Royal Assent, see **s. 67(1)**
I206 Sch. 6 para. 8 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(h)(ii)** (with **Sch. para. 1(2)**)

9 After rule 16A insert—

“*Date of birth lists*

- 16B (1) The returning officer must prepare the following lists for each polling station—
- (a) a list setting out, in relation to each elector allotted to the polling station, the elector’s date of birth as supplied pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989);
 - (b) a list setting out, in relation to each person appointed to vote as proxy for an elector allotted to the polling station, the person’s date of birth as supplied pursuant to a relevant provision.

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- (2) For the purposes of paragraph (1)(b), “relevant provision” means—
- (a) where the person is or will be registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
 - (b) where the person is or will be registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the presiding officer or a clerk at each polling station to make a decision under rule 34(3)(a)(ii) (decision whether specified document raises doubt as to voter’s apparent age).
- (4) A person to whom paragraph (5) applies must not, otherwise than in accordance with these rules or provision made by or under any other enactment—
- (a) permit a list prepared under paragraph (1) for a polling station to be inspected;
 - (b) supply to any person a copy of a list prepared under paragraph (1) for a polling station 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 returning officer;
 - (b) a person to whom functions are delegated by the returning officer;
 - (c) the presiding officer of the polling station;
 - (d) a clerk or other officer appointed to work at the polling station.”

Commencement Information

I207 Sch. 6 para. 9 not in force at Royal Assent, see **s. 67(1)**

I208 Sch. 6 para. 9 in force at 31.1.2024 by **S.I. 2023/1145**, **reg. 4(e)(iii)** (with **Sch. para. 3**)

10 In rule 22 (provision of polling stations), after paragraph (4) insert—

“(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”

Commencement Information

I209 Sch. 6 para. 10 not in force at Royal Assent, see **s. 67(1)**

I210 Sch. 6 para. 10 in force at 16.1.2023 by **S.I. 2022/1401**, **reg. 2(f)(ii)** (with **reg. 3(3)**)

11 In rule 23 (appointment of presiding officers and clerks), in paragraph (3), for the words from “except” to the end substitute “except—

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- (a) order the arrest of any person or the exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 32(3) or paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37), or
- (c) resolve doubts over identity as mentioned in paragraph (5A) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).”

Commencement Information

I211 Sch. 6 para. 11 not in force at Royal Assent, see **s. 67(1)**

I212 Sch. 6 para. 11 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(ii)** (with **reg. 3(3)**)

- 12 (1) Rule 26 (equipment of polling stations) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (e) insert—
- “(f) the lists prepared for the polling station under rule 16B.”
- (3) For paragraph (3A)(b) substitute—
- “(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently in the manner directed by rule 34 (including in relation to voting secretly).”
- (4) After paragraph (3A) insert—
- “(3B) In this rule, “relevant persons” means persons who find it difficult or impossible to vote in the manner directed by rule 34 because of—
- (a) blindness or partial sight, or
 - (b) another disability.
- (3C) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).
- (3D) Before giving guidance under paragraph (3C), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.
- (3E) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (3C).”
- (5) Omit paragraphs (5) to (10).

Commencement Information

I213 Sch. 6 para. 12 not in force at Royal Assent, see **s. 67(1)**

I214 Sch. 6 para. 12(1) in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(ii)**

I215 Sch. 6 para. 12(1) in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(ii)(aa)** (with **reg. 3**)

I216 Sch. 6 para. 12(1) in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(e)(iv)**

I217 Sch. 6 para. 12(2) in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(e)(iv)** (with **Sch. para. 3**)

I218 Sch. 6 para. 12(3) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(ii)(bb)** (with **reg. 3**)

I219 Sch. 6 para. 12(4) in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(ii)**

I220 Sch. 6 para. 12(4) in force at 29.12.2022 in so far as not already in force by S.I. 2022/1270, **reg. 2(c)(ii)(cc)** (with **reg. 3**)

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I221 Sch. 6 para. 12(5) in force at 29.12.2022 by S.I. 2022/1270, reg. 2(c)(ii)(dd) (with reg. 3)

- 13 (1) Rule 32 (questions to be put to voters) is amended as follows.
- (2) In paragraph (1A), after “elector” insert “or as proxy”.
- (3) For paragraph (2) substitute—
- “(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned in paragraph (1) above must, put the following additional question:—
- (a) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of four or more electors?”
- and if the person answers that question in the negative, the following question:—
- (b) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of two or more electors both or all of whom are registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?”
- and if the person answers that question in the affirmative, the following question:—
- (c) “Is the elector (or are the electors) for whom you are voting today at this election registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?””
- (4) After paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (6)),
- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”
- (5) For paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives a person the required information,
- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person.”
- (6) After paragraph (5) insert—
- “(6) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

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- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”

Commencement Information

- I222** Sch. 6 para. 13 not in force at Royal Assent, see **s. 67(1)**
- I223** Sch. 6 para. 13(1) in force at 16.1.2023 for specified purposes by **S.I. 2022/1401, reg. 2(f)(iii)(aa)** (with reg. 3(3))
- I224** Sch. 6 para. 13(1) in force at 31.1.2024 in so far as not already in force by **S.I. 2023/1145, reg. 4(e)(iv)**
- I225** Sch. 6 para. 13(2)(3) in force at 31.1.2024 by **S.I. 2023/1145, reg. 4(e)(iv)** (with Sch. para. 6)
- I226** Sch. 6 para. 13(4)-(6) in force at 16.1.2023 by **S.I. 2022/1401, reg. 2(f)(iii)(bb)** (with reg. 3(3))

- 14 (1) Rule 34 (voting procedure) is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements”.
- (3) After paragraph (2) insert—
- “(2A) The presiding officer or clerk must arrange for the voter to produce a specified document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”
- (4) In paragraph (3), for the words from “the officer” to the end substitute “—
- (a) the officer or clerk decides that—
 - (i) the document, or
 - (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to a relevant provision (see paragraph (5C)), raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
 - (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (6B)).”
- (5) In paragraph (4)—
- (a) after “decides” insert “or reasonably suspects (as the case may be)”;
 - (b) after “voter” insert “(subject to paragraph (5A))”.
- (6) In paragraph (5), after “decides” insert “or reasonably suspects (as the case may be)”.
- (7) After paragraph (5) insert—
- “(5A) There is an exception from paragraph (4) for cases within paragraph (3)
- (a) where—
 - (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
 - (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

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(5B) The refusal to deliver a ballot paper to a voter under paragraph (4) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (5A) apply on any further application.

(5C) For the purposes of paragraph (3)(a)(ii), “relevant provision” means—

- (a) where the voter is registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
- (b) where the voter is registered in a register of local government electors in Great Britain and does not also fall within subparagraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”

(8) In paragraph (6)—

- (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
- (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
- (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
- (d) after sub-paragraph (k) insert—
 - “(ka) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;”;
- (e) after sub-paragraph (l) insert—
 - “(m) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”

(9) After paragraph (6A) insert—

“(6B) In this rule, a “forged document” means a false document made to resemble a specified document.

(6C) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”

Commencement Information

I227 Sch. 6 para. 14 not in force at Royal Assent, see **s. 67(1)**

I228 Sch. 6 para. 14(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iv)(aa)** (with reg. 3(3))

I229 Sch. 6 para. 14(1)(7) in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(e)(iv)** (with Sch. para. 3)

I230 Sch. 6 para. 14(2)-(6) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iv)(bb)** (with reg. 3(3))

I231 Sch. 6 para. 14(7) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iv)(cc)** (with reg. 3(3))

I232 Sch. 6 para. 14(8)(9) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iv)(dd)** (with reg. 3(3))

15 In rule 35 (votes marked by presiding officer), in paragraph (2), for the words from “reading” to the end substitute “but as if—

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- “(a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
- (b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”

Commencement Information

I233 Sch. 6 para. 15 not in force at Royal Assent, see **s. 67(1)**

I234 Sch. 6 para. 15 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(v)** (with **reg. 3(3)**)

- 16 (1) Rule 36 (voting by persons with disabilities) is amended as follows.
- (2) In paragraph (2)(b)(i), for “is a qualified person within the meaning of this rule” substitute “is aged 18 or over”.
 - (3) In paragraph (2A), for the words from “reading” to the end substitute “but as if—
 - “(a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
 - (b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”
 - (4) In paragraph (3), omit the words from “and a person” to the end.

Commencement Information

I235 Sch. 6 para. 16 not in force at Royal Assent, see **s. 67(1)**

I236 Sch. 6 para. 16(1) in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(iii)(aa)** (with **reg. 3**)

I237 Sch. 6 para. 16(1) in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(f)(vi)** (with **reg. 3(3)**)

I238 Sch. 6 para. 16(2)(4) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(iii)(bb)** (with **reg. 3**)

I239 Sch. 6 para. 16(3) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vi)** (with **reg. 3(3)**)

- 17 In rule 37 (tendered ballot papers), in paragraph (2)—
- (a) for “paragraph (1)” substitute “this rule”;
 - (b) after “34(1)” insert “, but as if the reference in rule 34(5B) to making a further application under rule 34(1) were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made”.

Commencement Information

I240 Sch. 6 para. 17 not in force at Royal Assent, see **s. 67(1)**

I241 Sch. 6 para. 17 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vii)** (with **reg. 3(3)**)

- 18 In rule 38 (refusal to deliver ballot paper), in paragraph (2), after “that” insert “and to rule 34(5B)”.

Commencement Information

I242 Sch. 6 para. 18 not in force at Royal Assent, see **s. 67(1)**

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I243 Sch. 6 para. 18 in force at 16.1.2023 by S.I. 2022/1401, reg. 2(f)(vii) (with reg. 3(3))

- 19 In rule 41(1) (sealing and delivery of documents etc), after sub-paragraph (da) insert—
- “(db) the lists provided to the polling station under rule 26(3)(f).”

Commencement Information

I244 Sch. 6 para. 19 not in force at Royal Assent, see s. 67(1)

I245 Sch. 6 para. 19 in force at 31.1.2024 by S.I. 2023/1145, reg. 4(e)(v) (with Sch. para. 3)

- 20 (1) Rule 56A (destruction of home address forms) is amended as follows.
- (2) For “each candidate’s home address form” substitute “the documents mentioned in paragraph (1A)”.
- (3) After paragraph (1) insert—
- “(1A) The documents referred to in paragraph (1) are—
- (a) each candidate’s home address form;
- (b) the lists provided to the polling station under rule 26(3)(f).”
- (4) In the heading, after “forms” insert “and date of birth lists”.

Commencement Information

I246 Sch. 6 para. 20 not in force at Royal Assent, see s. 67(1)

I247 Sch. 6 para. 20 in force at 31.1.2024 by S.I. 2023/1145, reg. 4(e)(v) (with Sch. para. 3)

- 21 In form 1 in the Appendix of Forms (form of nomination paper), for note 3 substitute—
- “3 Where a candidate commonly uses a name or names—
- (a) that are different from the candidate’s full names as stated on the nomination paper, or
- (b) in a different way from the candidate’s full names as stated on the nomination paper,
- the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper.”

Commencement Information

I248 Sch. 6 para. 21 not in force at Royal Assent, see s. 67(1)

I249 Sch. 6 para. 21 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(h)(ii) (with Sch. para. 1(2))

- 22 In the Appendix of Forms, in form 10 (declaration for the companion of a voter with disabilities)—
- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “does not apply” substitute “I am aged 18 or over”;
- (b) in the section of the form beginning “NOTE”, after “any person” insert “, except the elector to whom assistance is being provided.”

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Commencement Information

I250 Sch. 6 para. 22 not in force at Royal Assent, see **s. 67(1)**

I251 Sch. 6 para. 22 in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(iv)** (with **reg. 3**)

23 **Schedule 9** (electoral misdemeanours) is amended in accordance with paragraphs 24 to 27.

Commencement Information

I252 Sch. 6 para. 23 not in force at Royal Assent, see **s. 67(1)**

I253 Sch. 6 para. 23 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(viii)** (with **reg. 3(3)**)

I254 Sch. 6 para. 23 in force at 31.10.2023 for specified purposes by S.I. 2023/1145, **reg. 2(g)(ii)**

I255 Sch. 6 para. 23 in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(h)(iii)**

I256 Sch. 6 para. 23 in force at 12.12.2023 for specified purposes by S.I. 2023/1234, **reg. 2(e)(iii)** (with **reg. 3**)

I257 Sch. 6 para. 23 in force at 31.1.2024 for specified purposes by S.I. 2023/1145, **reg. 4(e)(vi)**

24 For paragraph 3 substitute—

“Undue influence

- 3 (1) A person is guilty of undue influence if the person carries out an activity falling within sub-paragraph (3) for the purpose of—
- (a) inducing or compelling an elector or proxy for an elector to vote in a particular way or to refrain from voting, or
 - (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (2) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of sub-paragraph (3) on account of—
- (a) an elector or proxy for an elector having voted in a particular way or refrained from voting, or
 - (b) P assuming an elector or proxy for an elector to have voted in a particular way or to have refrained from voting.
- (3) The following activities fall within this sub-paragraph—
- (a) using or threatening to use violence against a person;
 - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
 - (c) damaging or threatening to damage a person’s reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
 - (f) doing any other act designed to intimidate a person;
 - (g) doing any act designed to deceive a person in relation to the administration of an election.
- (4) For the purposes of sub-paragraphs (1) and (2) an activity is carried out by a person (“P”) if it is carried out—

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- (a) by P,
- (b) by P jointly with one or more other persons, or
- (c) by one or more other persons on behalf of P and with P's authority or consent."

Commencement Information

I258 Sch. 6 para. 24 not in force at Royal Assent, see **s. 67(1)**

I259 Sch. 6 para. 24 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(h)(iv)**

25 After paragraph 5 insert—

“Handling of postal voting documents by political campaigners

- 5ZA (1) A person who is a political campaigner in respect of a local election is guilty of a corrupt practice if the person handles a postal voting document that has been issued to another person for use in that election.
- (2) But a person who handles a postal voting document for use in a local election is not guilty of a corrupt practice if—
- (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
 - (b) the person is engaged in the business of a postal operator, or
 - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building, and the handling is consistent with the person's duties in that capacity.
- (3) Nor is a person guilty of a corrupt practice if the person—
- (a) is the other person's spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
 - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the corrupt practice to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a local election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (4), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) For the purposes of this paragraph a person is a political campaigner in respect of a local election if any of the following paragraphs applies—
- (a) the person is a candidate at the election;
 - (b) the person is an election agent of a candidate at the election;
 - (c) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person's activities as a candidate;

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- (d) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
- (e) the person is employed or engaged by a registered political party in connection with the party’s political activities;
- (f) the person is employed or engaged by a person within any of paragraphs (a) to (e) to carry on an activity designed to promote a particular outcome at the election;
- (g) the person is employed or engaged by a person within paragraph (f) to carry on an activity designed to promote a particular outcome at the election.

(7) In this paragraph—

“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);

“postal voting document” means a postal ballot paper, declaration of identity or envelope that has been issued to a person by the returning officer for the purpose of enabling the person to vote by post at a local election;

“registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

(8) For the purposes of this paragraph, an envelope—

- (a) that is not a postal voting document, but
- (b) that contains a postal ballot paper or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a local election,

is to be treated as if it were a postal voting document that has been issued to the person for use in the election.

(9) In this paragraph, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.

(10) For the purposes of sub-paragraph (3)(a), two people living together as if spouses of each other are treated as if they were spouses or civil partners of each other.”

Commencement Information

I260 Sch. 6 para. 25 not in force at Royal Assent, see **s. 67(1)**

I261 Sch. 6 para. 25 in force at 12.12.2023 by **S.I. 2023/1234, reg. 2(e)(iii)** (with **reg. 3**)

26 (1) Paragraph 12A (illegal practices: voting offences) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) A person (“P”) is guilty of an illegal practice if P applies for the appointment of a proxy to vote for P—

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- (a) at a local election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for four or more other electors;
- (b) at a local election where—
 - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification;
- (c) at local elections, where P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for four or more other electors;
- (d) at local elections, where—
 - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification.”

(3) For sub-paragraph (4) substitute—

“(4) A person is also guilty of an illegal practice if the person votes as proxy—

- (a) for more than four electors—
 - (i) at a local election, or
 - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together;
- (b) for more than two electors—
 - (i) at a local election, or
 - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together,

where the person knows that more than two of those electors are registered in a register of local electors otherwise than by virtue of a service qualification.”

(4) In sub-paragraph (6), after “deemed to have voted” insert “(but see sub-paragraph (6A))”.

(5) After sub-paragraph (6) insert—

“(6A) For the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (2)(a)(i) or (3)(a)(i), a previous application is to be disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.”

Commencement Information

I262 Sch. 6 para. 26 not in force at Royal Assent, see [s. 67\(1\)](#)

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- I263** Sch. 6 para. 26(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(ix)(aa)** (with reg. 3(3))
- I264** Sch. 6 para. 26(1) in force at 31.10.2023 for specified purposes by S.I. 2023/1145, **reg. 2(g)(iii)**
- I265** Sch. 6 para. 26(1) in force at 31.1.2024 in so far as not already in force by S.I. 2023/1145, **reg. 4(e)(vii)**
- I266** Sch. 6 para. 26(2) in force at 31.10.2023 by S.I. 2023/1145, **reg. 2(g)(iii)**
- I267** Sch. 6 para. 26(3) in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(e)(vii)** (with Sch. para. 4)
- I268** Sch. 6 para. 26(4)(5) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(ix)(bb)** (with reg. 3(3))

- 27 (1) Paragraph 27 (requirement of secrecy) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) omit “or” at the end of paragraph (d), and
 - (b) omit paragraph (e).
- (3) After sub-paragraph (3) insert—
- “(3A) A person is guilty of an electoral offence if the person—
- (a) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a local election;
 - (b) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a local election;
 - (c) obtains or attempts to obtain information, in the circumstances mentioned in sub-paragraph (3B), as to the candidate for whom a person voting by post at a local election (“V”) is about to vote or has voted; or
 - (d) communicates at any time to any other person information obtained in contravention of paragraph (c).
- (3B) The circumstances referred to in sub-paragraph (3A)(c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.
- (3C) But—
- (a) a person (“E”) who is voting by proxy is not guilty of the offence under sub-paragraph (3A) if E obtains or attempts to obtain from the person appointed as E’s proxy information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to E’s vote, and
 - (b) a person who is appointed as proxy for an elector is not guilty of the offence under sub-paragraph (3A) if the person communicates to that elector information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to that elector’s vote.
- (3D) Sub-paragraph (3A)(c) and (d) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

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- (a) a published statement relating to the way in which voters intend to vote or have voted at the election, or
- (b) a published forecast as to the result of that election which is based on information given by voters.

(3E) In sub-paragraph (3D)—

- (a) “forecast” includes estimate;
- (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;
- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

(3F) A person voting as proxy for an elector at a local election is guilty of an electoral offence if the person—

- (a) communicates at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector; or
- (b) except for some purpose authorised by law, communicates at any time to any person other than that elector any information as to the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.”

(4) After sub-paragraph (4) insert—

“(5) A person who has undertaken to assist a relevant voter to vote at a local election is guilty of an electoral offence if the person communicates at any time to any person except that voter any information as to—

- (a) the candidate for whom the voter intends to vote or has voted, or
- (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.

(6) In sub-paragraph (5) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

Commencement Information

I269 Sch. 6 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

I270 Sch. 6 para. 27 in force at 12.12.2023 by [S.I. 2023/1234](#), [reg. 2\(e\)\(iii\)](#) (with [reg. 3](#))

Local Elections (Northern Ireland) Order 1985

28 (1) In Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 ([S.I. 1985/454](#)), paragraph 3 (proxies at local elections) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) A person is not capable of being appointed to vote, or voting, as proxy at a local election unless the person is or will be registered in—

- (a) a register of local electors in Northern Ireland, or

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- (b) a register of local government electors in Great Britain maintained under section 9 of the 1983 Act.”
- (3) In sub-paragraph (2)—
- (a) omit the “or” at the end of paragraph (a);
- (b) omit paragraph (b).
- (4) For sub-paragraph (4) substitute—
- “(4) A person—
- (a) is not entitled to vote as proxy at a local election on behalf of more than two electors who do not fall within sub-paragraph (4A), but
- (b) subject to paragraph (a), is entitled to vote as proxy at a local election on behalf of up to four electors.
- (4A) An elector falls within this sub-paragraph if the elector is registered in a register of local electors in pursuance of a service declaration.
- (4B) Where the polls for two or more local elections are held on the same day, references in sub-paragraph (4) to a local election are to all of those elections taken together.”

Commencement Information

- I271** Sch. 6 para. 28 not in force at Royal Assent, see **s. 67(1)**
- I272** Sch. 6 para. 28(1) in force at 31.10.2023 for specified purposes by **S.I. 2023/1145, reg. 2(g)(iv)**
- I273** Sch. 6 para. 28(1) in force at 31.1.2024 in so far as not already in force by **S.I. 2023/1145, reg. 4(e)(viii)**
- I274** Sch. 6 para. 28(2)(3) in force at 31.10.2023 by **S.I. 2023/1145, reg. 2(g)(iv)**
- I275** Sch. 6 para. 28(4) in force at 31.1.2024 by **S.I. 2023/1145, reg. 4(e)(viii)** (with Sch. para. 4)

- 29 In paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (additional requirements for applications for appointment of a proxy), after “name” insert “, date of birth”.

Commencement Information

- I276** Sch. 6 para. 29 not in force at Royal Assent, see **s. 67(1)**
- I277** Sch. 6 para. 29 in force at 31.10.2023 for specified purposes by **S.I. 2023/1145, reg. 2(g)(v)**

Elected Authorities (Northern Ireland) Act 1989

- 30 (1) Part 2 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (application and modification of RPA 1983 in relation to local elections in Northern Ireland) is amended as follows.
- (2) In paragraph 14, after sub-paragraph (b) insert—
- “(ba) subsection (1)(ba) is omitted;”.
- (3) In paragraph 16, for “subsection (1)(c)” substitute “subsection (1)(bb) and (c)”.
- (4) For paragraph 18 substitute—

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- “18A In Schedule 2, references to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections are to be disregarded, and the following are omitted—
- (a) in paragraph 1A—
 - (i) sub-paragraph (1A)(b)(iii);
 - (ii) in sub-paragraph (6), “or a relevant absent voting application”;
 - (iii) sub-paragraphs (7)(a) and (8);
 - (b) in paragraph 5(2), “or with his appointment as a proxy”;
 - (c) paragraphs 5ZA and 5A;
 - (d) in paragraph 13(1)(a), “or paragraph 2”.”

Commencement Information

- I278** Sch. 6 para. 30 not in force at Royal Assent, see **s. 67(1)**
I279 Sch. 6 para. 30(1) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **art. 2(f)(i)**
I280 Sch. 6 para. 30(1) in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(f)(x)** (with reg. 3(3))
I281 Sch. 6 para. 30(2)(4) in force at 27.8.2022 by S.I. 2022/916, **art. 2(f)(ii)**
I282 Sch. 6 para. 30(3) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(x)** (with reg. 3(3))

Elections Act 2001

- 31 (1) The Schedule to the Elections Act 2001 (modification of the local election rules for occasions where polls are combined) is amended as follows.
- (2) For paragraph 6 (Parliamentary elections rules: questions to be put to voters) substitute—
- “6 In rule 35, in the table after paragraph (1), after “this” insert “parliamentary”—
- (a) in entry 1, in each of paragraphs (a) and (b);
 - (b) in entry 2, in each of paragraphs (a) to (e);
 - (c) in entry 3, in each of paragraphs (a) to (e).”
- (3) In paragraph 20 (local elections rules: questions to be put to voters), for “the second question in paragraph (2)” substitute “in each of questions (a), (b) and (c) in paragraph (2)”.

Commencement Information

- I283** Sch. 6 para. 31 not in force at Royal Assent, see **s. 67(1)**
I284 Sch. 6 para. 31 in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(e)(ix)** (with Sch. para. 6)

Transitional provisions relating to proxy voting

- 32 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application

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- made before the day on which the relevant provisions of this Schedule come into force, and
- (b) the appointment has effect immediately before the specified day in relation to local elections in Northern Ireland or a particular local election in Northern Ireland.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
- (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (6) In this paragraph and paragraph 33—
- “the 1985 Order” means the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454);
- “local election” has the meaning given by section 130(1) of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#);
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
- “relevant absent voters’ records” means—
- (a) the record kept under paragraph 1(3) of Part 1 of Schedule 2 to the 1985 Order,
- (b) the record kept under paragraph 4(5) of that Part, and
- (c) any lists kept under paragraphs 2(4) and 4(8) of that Part which have not been published under paragraph 15(6) of that Part;
- “relevant provisions of this Schedule” means paragraphs 26 and 28(2);
- “specified” means specified by the Secretary of State in regulations made by statutory instrument.

Subordinate Legislation Made

P6 [Sch. 6 para. 32](#): 31.1.2024 specified for the purposes of Sch. 6 para. 32 by S.I. 2023/1145, [reg. 6\(5\)\(a\)](#)

Commencement Information

I285 [Sch. 6 para. 32](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I286 [Sch. 6 para. 32](#) in force at 31.10.2023 by S.I. 2023/1145, [reg. 2\(g\)\(vi\)](#) (with [Sch. para. 7](#))

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Consequential repeals

- 34 The following provisions are revoked—
- (a) paragraph 10 of Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948);
 - (b) article 15(3) of the Local Elections (Northern Ireland) (Amendment) Order 2001 (S.I. 2001/417);
 - (c) article 4(1)(b) of the Local Elections (Northern Ireland) (Amendment) Order 2005 (S.I. 2005/1969);
 - (d) paragraph 38 of Schedule 1 to the Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977).

Commencement Information

- I287** Sch. 6 para. 34 not in force at Royal Assent, see **s. 67(1)**
I288 Sch. 6 para. 34(a)(d) in force at 12.12.2023 by S.I. 2023/1234, **reg. 2(e)(iv)** (with reg. 3)
I289 Sch. 6 para. 34(b) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(v)** (with reg. 3)
I290 Sch. 6 para. 34(c) in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(e)(ix)**

PART 2

ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

Northern Ireland Assembly (Elections) Order 2001

- 35 Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) (application with modifications of provisions of the Representation of the People Act 1983 etc) is amended as follows.

Commencement Information

- I291** Sch. 6 para. 35 not in force at Royal Assent, see **s. 67(1)**
I292 Sch. 6 para. 35 in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(vi)** (with reg. 3)
I293 Sch. 6 para. 35 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(xi)** (with reg. 3(1))
I294 Sch. 6 para. 35 in force at 31.10.2023 for specified purposes by S.I. 2023/1145, **reg. 2(g)(vii)**
I295 Sch. 6 para. 35 in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(h)(v)**
I296 Sch. 6 para. 35 in force at 12.12.2023 for specified purposes by S.I. 2023/1234, **reg. 2(e)(v)** (with reg. 3)
I297 Sch. 6 para. 35 in force at 31.1.2024 for specified purposes by S.I. 2023/1145, **reg. 4(e)(x)**

- 36 In the table, in the right-hand column of the entry for section 61 of RPA 1983 (other voting offences), after the modifications relating to subsection (1) of that section insert—

“In subsection (1A)(a) and (b)(ii) omit the words “, or at parliamentary elections,”.

Omit subsection (1A)(e) and (f)”

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Commencement Information

- I298** Sch. 6 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)
I299 Sch. 6 para. 36 in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(g\)\(viii\)](#)

37 In the table, after the entry for section 112 of RPA 1983 insert—

“Section 112A (handling of postal voting documents by political campaigners)	In subsection (8), in the definition of “postal voting document”, omit “postal voting statement.”.
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Commencement Information

- I300** Sch. 6 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)
I301 Sch. 6 para. 37 in force at 12.12.2023 by [S.I. 2023/1234](#), [reg. 2\(e\)\(vi\)](#) (with [reg. 3](#))

38 In the table, for the entry relating to section 115 of RPA 1983 substitute—

“Section 114A (undue influence)”

Commencement Information

- I302** Sch. 6 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)
I303 Sch. 6 para. 38 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(h\)\(vi\)](#)

39 In the table, after the entry for rule 19A of Schedule 1 to RPA 1983 insert—

“Rule 19B (preparation of date of birth lists)	In paragraph (1A)(b), for the words “register of parliamentary electors in Great Britain” substitute “register of local government electors in Great Britain”.
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Commencement Information

- I304** Sch. 6 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)
I305 Sch. 6 para. 39 in force at 31.1.2024 by [S.I. 2023/1145](#), [reg. 4\(e\)\(xi\)](#) (with [Sch. para. 3](#))

40 The entries in the right-hand column of the table in relation to Schedule 1 to RPA 1983 (Parliamentary elections rules) are amended in accordance with paragraphs 41 to 43.

Commencement Information

- I306** Sch. 6 para. 40 not in force at Royal Assent, see [s. 67\(1\)](#)
I307 Sch. 6 para. 40 in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))
I308 Sch. 6 para. 40 in force at 12.12.2023 for specified purposes by [S.I. 2023/1234](#), [reg. 2\(e\)\(vii\)](#) (with [reg. 3](#))
I309 Sch. 6 para. 40 in force at 31.1.2024 for specified purposes by [S.I. 2023/1145](#), [reg. 4\(e\)\(xii\)](#)

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- 41 In the entry for rule 31 (notification of requirement of secrecy), omit the words in the right-hand column.

Commencement Information

I310 Sch. 6 para. 41 not in force at Royal Assent, see **s. 67(1)**

I311 Sch. 6 para. 41 in force at 12.12.2023 by S.I. 2023/1234, **reg. 2(e)(vii)** (with **reg. 3**)

- 42 In the entry for rule 37 (voting procedure), before the paragraph beginning “In paragraph (1E)(b)” insert—

“In paragraph (1DC), for sub-paragraph (b) substitute—

“(b) where the voter is registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or section 8(7) of the Representation of the People Act 1985.””

Commencement Information

I312 Sch. 6 para. 42 not in force at Royal Assent, see **s. 67(1)**

I313 Sch. 6 para. 42 in force at 31.1.2024 by S.I. 2023/1145, **reg. 4(e)(xiii)** (with **Sch. para. 3**)

- 43 Against the entry for rule 38 (votes marked by presiding officer), after the paragraph beginning “In paragraph (1)” insert—

“In paragraph (1A), for “vote to be marked on a ballot paper” substitute “ballot paper to be marked”.”

Commencement Information

I314 Sch. 6 para. 43 not in force at Royal Assent, see **s. 67(1)**

I315 Sch. 6 para. 43 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(xii)** (with **reg. 3(1)**)

- 44 In the table, after the entry for rule 53A of Schedule 1 to RPA 1983 insert—

“Rule 53B (destruction of date of birth lists)”

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Commencement Information

I316 Sch. 6 para. 44 not in force at Royal Assent, see [s. 67\(1\)](#)

I317 Sch. 6 para. 44 in force at 31.1.2024 by S.I. 2023/1145, [reg. 4\(e\)\(xiv\)](#) (with Sch. para. 3)

45 In the entry for section 8 of the Representation of the People Act 1985 (proxies at elections), in the right-hand column—

(a) before the entry relating to subsection (3)(b) of that section insert—

“In subsection (2A), for “register of parliamentary electors in Great Britain or Northern Ireland” substitute “register of local government electors in Great Britain or a register of local electors in Northern Ireland”;

(b) after the entry relating to subsection (6) of that section insert—

“In subsection (7A), for “subsections (6) and” substitute “subsection”.”

Commencement Information

I318 Sch. 6 para. 45 not in force at Royal Assent, see [s. 67\(1\)](#)

I319 Sch. 6 para. 45 in force at 31.10.2023 by S.I. 2023/1145, [reg. 2\(g\)\(viii\)](#)

46 In the Annex, in the form of declaration to be made by the companion of a voter with disabilities—

(a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “*does not apply*” substitute “I am aged 18 or over”;

(b) in the section of the form beginning “NOTE”, after “any person” insert “except the elector to whom assistance is being provided”.

Commencement Information

I320 Sch. 6 para. 46 not in force at Royal Assent, see [s. 67\(1\)](#)

I321 Sch. 6 para. 46 in force at 29.12.2022 by S.I. 2022/1270, [reg. 2\(c\)\(vii\)](#) (with reg. 3)

Transitional provisions relating to proxy voting

47 (1) This paragraph applies where—

(a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of [Schedule 4](#) come into force, and

(b) the appointment has effect immediately before the specified day in relation to Assembly elections or a particular Assembly election.

(2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).

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- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of [Schedule 4](#) come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).
- (6) In this paragraph and paragraph 48—
- “Assembly election” means an election to the Northern Ireland Assembly;
 - “proxy appointment” means an appointment of a person to vote as proxy for another person;
 - “relevant absent voters’ records” means any lists prepared under sections 7(4) and 9(9) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (as so applied);
 - “relevant provisions of Schedule 4” means paragraphs [2\(2\)](#) and [6\(2\)](#) of [Schedule 4](#);
 - “specified” means specified by the Secretary of State in regulations made by statutory instrument.

Subordinate Legislation Made

P7 [Sch. 6 para. 47](#): 31.1.2024 specified for the purposes of [Sch. 6 para. 47](#) by S.I. 2023/1145, [reg. 6\(5\)\(a\)](#)

Commencement Information

I322 [Sch. 6 para. 47](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I323 [Sch. 6 para. 47](#) in force at 31.10.2023 by S.I. 2023/1145, [reg. 2\(g\)\(ix\)](#) (with [Sch. para. 7](#))

- 48 (1) This paragraph applies to an application for a proxy appointment under section 7(1) or (2)(b) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”).
- (2) The application is to be treated as not having been made.
- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(2\)](#) information about how to make a fresh application to vote by proxy.
- (4) [Sub-paragraph \(2\)](#) does not apply where the application was made on or after the day on which the relevant provisions of [Schedule 4](#) come into force.

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- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).

Subordinate Legislation Made

P8 [Sch. 6 para. 48](#): 31.10.2023 specified for the purposes of [Sch. 6 para. 48](#) by [S.I. 2023/1145](#), [reg. 6\(5\)\(b\)](#)

Commencement Information

I324 [Sch. 6 para. 48](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I325 [Sch. 6 para. 48](#) in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(g\)\(ix\)](#)

SCHEDULE 7

Section 14

OVERSEAS ELECTORS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Representation of the People Act 1983

- 1 RPA 1983 is amended as follows.

Commencement Information

I326 [Sch. 7 para. 1](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I327 [Sch. 7 para. 1](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(c\)\(i\)](#)

I328 [Sch. 7 para. 1](#) in force at 16.1.2024 in so far as not already in force by [S.I. 2023/1405](#), [reg. 2](#)

- 2 In section 4 (entitlement to be registered as parliamentary or local government elector), in subsection (4)(b), for “section 2(1)” substitute “[section 1B\(1\)](#)”.

Commencement Information

I329 [Sch. 7 para. 2](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I330 [Sch. 7 para. 2](#) in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

- 3 In section 202(1) (general provisions as to interpretation), for the definition of “overseas elector’s declaration” substitute—

““overseas elector’s declaration” means a declaration made under and in accordance with [section 1C](#) of the Representation of the People Act 1985;”.

Commencement Information

I331 [Sch. 7 para. 3](#) not in force at Royal Assent, see [s. 67\(1\)](#)

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I332 Sch. 7 para. 3 in force at 16.1.2024 by S.I. 2023/1405, reg. 2

- 4 (1) **Schedule 2** (provisions which may be contained in regulations as to registration etc) is amended as follows.
- (2) After paragraph 3ZA insert—
- “3ZB (1) Provision about renewal declarations (within the meaning given by **section 1D(2)** of the Representation of the People Act 1985), including in particular provision about their form and contents.
- (2) Provision made under sub-paragraph (1) may include provision conferring functions on the Electoral Commission.”
- (3) In paragraph 4, after sub-paragraph (2) insert—
- “(3) Provision as to the manner in which renewal declarations (within the meaning given by **section 1D(2)** of the Representation of the People Act 1985) are to be transmitted to the registration officer.”
- (4) In paragraph 5, after sub-paragraph (1A) insert—
- “(1AA) The provision that may be made under sub-paragraph (1A) includes provision authorising a registration officer, despite provision contained in regulations made by virtue of that sub-paragraph—
- (a) to require such other kind of evidence as the officer considers appropriate, or
- (b) to deem such other kind of evidence as the officer considers appropriate to be sufficient or conclusive evidence.”

Commencement Information

- I327** Sch. 7 para. 1 in force at 6.2.2023 for specified purposes by S.I. 2023/115, reg. 2(c)(i)
I333 Sch. 7 para. 4 not in force at Royal Assent, see s. 67(1)
I334 Sch. 7 para. 4 in force at 6.2.2023 by S.I. 2023/115, reg. 2(c)(ii)

Representation of the People Act 1985

- 5 In section 12 of the Representation of the People Act 1985 (offences as to declarations)—
- (a) in subsection (1), for “an overseas elector’s declaration”, in both places, substitute “a relevant declaration”;
- (b) after subsection (1) insert—
- “(1A) In subsection (1) “relevant declaration” means—
- (a) an overseas elector’s declaration;
- (b) a renewal declaration (within the meaning given by **section 1D(2)**).”

Commencement Information

- I335** Sch. 7 para. 5 not in force at Royal Assent, see s. 67(1)
I336 Sch. 7 para. 5 in force at 16.1.2024 by S.I. 2023/1405, reg. 2

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Finance Act 1996

- 6 In section 200 of the Finance Act 1996 (domicile for tax purposes of overseas electors), in subsection (3)(a), for “section 1(1)(a)” substitute “section 1(2)(a)”.

Commencement Information

- I337** Sch. 7 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)
I338 Sch. 7 para. 6 in force at 16.1.2024 by [S.I. 2023/1405, reg. 2](#)

Income Tax Act 2007

- 7 In section 835B of the Income Tax Act 2007 (domicile for income tax purposes of overseas electors), in subsection (3)(a), for “section 1(1)(a)” substitute “section 1(2)(a)”.

Commencement Information

- I339** Sch. 7 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)
I340 Sch. 7 para. 7 in force at 16.1.2024 by [S.I. 2023/1405, reg. 2](#)

Constitutional Reform and Governance Act 2010

- 8 In section 42 of the Constitutional Reform and Governance Act 2010 (tax status of members of the House of Lords: transitional provision), omit subsection (7).

Commencement Information

- I341** Sch. 7 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)
I342 Sch. 7 para. 8 in force at 16.1.2024 by [S.I. 2023/1405, reg. 2](#)

Police Reform and Social Responsibility Act 2011

- 9 In section 102(1) of the Police Reform and Social Responsibility Act 2011 (interpretation of Part 1), for the definition of “overseas elector’s declaration” substitute—

““overseas elector’s declaration” means a declaration made under and in accordance with [section 1C](#) of the Representation of the People Act 1985.”

Commencement Information

- I343** Sch. 7 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)
I344 Sch. 7 para. 9 in force at 16.1.2024 by [S.I. 2023/1405, reg. 2](#)

House of Lords Reform Act 2014

- 10 In section 4 of the House of Lords Reform Act 2014 (effect of ceasing to be a member of the House of Lords), omit subsection (6).

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Commencement Information

I345 Sch. 7 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

I346 [Sch. 7 para. 10](#) in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

Consequential repeals

- 11 In consequence of section 14(1), the following are repealed—
- (a) [paragraphs 1 to 4 of Schedule 2](#) to the Representation of the People Act 2000;
 - (b) section 141 of PPERA;
 - (c) section 12(9) of the Electoral Administration Act 2006;
 - (d) [paragraph 21 of Schedule 4 to the Electoral Registration and Administration Act 2013](#), and the italic heading before that paragraph;
 - (e) section 15(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014.

Commencement Information

I347 Sch. 7 para. 11 not in force at Royal Assent, see [s. 67\(1\)](#)

I348 [Sch. 7 para. 11](#) in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

PART 2

TRANSITIONAL PROVISION

Interpretation of Part

- 12 In [this Part](#)—
- “the commencement date” means the date appointed for section 14 to come fully into force;
 - “overseas elector’s declaration” has the meaning given by section 2(1) of RPA 1985 (as that provision had effect immediately before the commencement date);
 - “RPA 1985” means the Representation of the People Act 1985;
 - “RPA 2000” means the Representation of the People Act 2000.

Commencement Information

I349 Sch. 7 para. 12 not in force at Royal Assent, see [s. 67\(1\)](#)

I350 [Sch. 7 para. 12](#) in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

Pre-commencement applications for registration in a register of parliamentary electors

- 13 (1) The amendments made by section 14 and [Part 1 of this Schedule](#) do not apply in relation to an application for registration in a register of parliamentary electors in pursuance of a pre-commencement declaration (even if the application is determined on or after the commencement date).

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- (2) In [this paragraph](#), “pre-commencement declaration” means an overseas elector’s declaration made at any time before the commencement date.

Commencement Information

I351 Sch. 7 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)

I352 Sch. 7 para. 13 in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

Overseas electors registered pursuant to pre-commencement applications

- 14 (1) [This paragraph](#) applies to a person who is for the time being registered in a register of parliamentary electors in pursuance of a pre-commencement declaration (regardless of when the person’s application for registration in the register is determined).
- (2) In such a case—
- the person is to be treated on and after the commencement date as being registered in that register in pursuance of a post-commencement declaration on the basis that the person satisfied the previous registration condition (within the meaning of [section 1A\(2\)](#) of RPA 1985, as substituted by section 14 of this Act);
 - the address in respect of which the person is registered is the address specified in the pre-commencement declaration;
 - sections [1D](#) and [1E](#) of RPA 1985 (as substituted by section 14 of this Act) have effect accordingly, subject to [sub-paragraph \(3\)](#).
- (3) [Section 1D\(1\)\(a\)](#) has effect as if it provided for the person to remain registered—
- until the end of the period of 12 months beginning with the date when the person’s entry in the register first takes effect, or
 - where that period would otherwise end before the specified day, until the end of that day.
- (4) In [sub-paragraph \(3\)\(b\)](#), “the specified day” means the day specified by the Secretary of State by regulations made by statutory instrument.
- (5) In [this paragraph](#)—
- “pre-commencement declaration” has the same meaning as in [paragraph 13](#);
- “post-commencement declaration” means an overseas elector’s declaration (as defined by [section 1B\(1\)](#) of RPA 1985 (substituted by section 14 of this Act)) made at any time on or after the commencement date.

Modifications etc. (not altering text)

C3 Sch. 7 para. 14(3): 16.1.2024 specified for the purposes of Sch. 3 para. 14(3) by [S.I. 2023/1405](#), [reg. 3](#)

Commencement Information

I353 Sch. 7 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I354 Sch. 7 para. 14 in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(c\)\(iii\)](#)

I355 Sch. 7 para. 14 in force at 16.1.2024 in so far as not already in force by [S.I. 2023/1405](#), [reg. 2](#) (with [regs. 4, 5](#))

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Postal voting

- 15 (1) [This paragraph](#) applies where, immediately before the commencement date, a person to whom [paragraph 14](#) applies has an entitlement to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland.
- (2) Subject to [sub-paragraph \(3\)](#), the person's entitlement to vote by post ends on the last day of the period of 12 months beginning with the date when the person's entry in the register of parliamentary electors first takes effect (unless it ends sooner).
- (3) Where—
- (a) as a result of [paragraph 14\(3\)\(b\)](#) the person remains registered in a register of parliamentary electors until the time referred to in that provision, and
 - (b) the person's entitlement to vote by post would (as a result of [sub-paragraph \(2\)](#)) otherwise end before that time,
- the entitlement ends at that time.
- (4) As soon as practicable after the commencement date, the registration officer must alter the record kept under paragraph 3(4) or 7(6) of Schedule 4 to RPA 2000 (as the case may be) so as to reflect any change resulting from [sub-paragraph \(2\)](#) or [\(3\)](#) in the period for which the person's entitlement to vote by post lasts.

Commencement Information

I356 Sch. 7 para. 15 not in force at Royal Assent, see [s. 67\(1\)](#)

I357 Sch. 7 para. 15 in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

- 16 (1) [This paragraph](#) applies where—
- (a) before the commencement date, a person to whom [paragraph 14](#) applies makes an application under paragraph 3(1) or 7(4)(a) of Schedule 4 to RPA 2000,
 - (b) the application is to vote by post (whether as elector or proxy) at parliamentary elections, and
 - (c) immediately before the commencement date the application has not been determined.
- (2) The amendments made to Schedule 4 to RPA 2000 by [Schedule 3](#) to this Act do not apply in relation to the determination of the application.
- (3) Any grant of the application is to be for—
- (a) the period ending on—
 - (i) the last day of the period of 12 months beginning with the date when the person's entry in a register of parliamentary electors first takes effect, or
 - (ii) in a case where [paragraph 14\(3\)\(b\)](#) applies in relation to the person's registration, the time referred to in that provision, or
 - (b) any shorter period specified in the application.

Commencement Information

I358 Sch. 7 para. 16 not in force at Royal Assent, see [s. 67\(1\)](#)

I359 Sch. 7 para. 16 in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#) (with [reg. 6](#))

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Power to make supplementary provision

- 17 (1) The Secretary of State may by regulations make provision for supplementing, or provision incidental to, the provision made by [paragraphs 13 to 16](#).
- (2) Regulations under [sub-paragraph \(1\)](#) may make different provision for different purposes or areas.
- (3) Regulations under [sub-paragraph \(1\)](#) are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under [sub-paragraph \(1\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I360 Sch. 7 para. 17 not in force at Royal Assent, see [s. 67\(1\)](#)

I361 Sch. 7 para. 17 in force at 6.2.2023 by [S.I. 2023/115](#), [reg. 2\(c\)\(iv\)](#)

Promoting awareness of changes to overseas elector franchise

- 18 (1) The Secretary of State may take whatever steps the Secretary of State considers appropriate to promote awareness among qualifying people of the changes made by section 14 to the overseas elector franchise.
- (2) In this paragraph—
 “the overseas elector franchise” means the basis on which a person is entitled to vote as an elector at parliamentary elections in accordance with section 1 of RPA 1985;
 “qualifying people” means people who may, on or after the commencement date, be entitled to vote as electors at parliamentary elections in accordance with section 1 of RPA 1985.
- (3) A person with functions of a public nature may disclose information to the Secretary of State for the purpose of enabling the Secretary of State to identify those who are, or are likely to be, qualifying people.
- (4) The Secretary of State may use information held by, or provided to, the Secretary of State for the purpose of identifying people who are, or are likely to be, qualifying people.
- (5) Personal data may not be disclosed or used under this paragraph if the disclosure or use would contravene the data protection legislation (but in determining whether the disclosure would do so, the powers conferred by [sub-paragraphs \(3\) and \(4\)](#) are to be taken into account).
- (6) In [sub-paragraph \(5\)](#), “personal data” and “the data protection legislation” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

Commencement Information

I362 Sch. 7 para. 18 not in force at Royal Assent, see [s. 67\(1\)](#)

I363 Sch. 7 para. 18 in force at 16.1.2024 by [S.I. 2023/1405](#), [reg. 2](#)

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SCHEDULE 8

Section 15

VOTING AND CANDIDACY RIGHTS OF EU CITIZENS

PART 1

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT 1983

- 1 (1) In section 2 of RPA 1983 (local government electors), in subsection (1)(c), for the words from “Ireland” to the end substitute “Ireland or—
 - (i) in relation to a local government election in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to a local government election in Wales, a relevant citizen of the Union or a qualifying foreign citizen; and”.
- (2) In section 4 of that Act (entitlement to be registered as local government elector), in subsection (3)(c), for the words from “Ireland” to the end substitute “Ireland or—
 - (i) in relation to a local government election in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to a local government election in Wales, a relevant citizen of the Union or a qualifying foreign citizen; and”.
- (3) In section 7B of that Act (notional residence: declarations of local connection)—
 - (a) in subsection (3)(e), for the words from “Ireland” to the end substitute “Ireland or—
 - (i) if the declaration is made for the purposes only of the registration of local government electors in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) if the declaration is made for the purposes only of the registration of local government electors in Wales, a relevant citizen of the Union or a qualifying foreign citizen;”;
 - (b) in subsection (7)(a), for “by a relevant citizen of the Union; and” substitute “—
 - (i) in relation to local government elections in England, by a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to local government elections in Wales, by a relevant citizen of the Union; and”.
- (4) In section 15 of that Act (service declaration), in subsection (5)(a), for “, or by a relevant citizen of the Union; and” substitute “or—
 - (i) in relation to local government elections in England, by a qualifying EU citizen or an EU citizen with retained rights, or

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- (ii) in relation to local government elections in Wales, by a relevant citizen of the Union; and”.
- (5) In section 16 of that Act (contents of service declaration), as it extends to England and Wales, in subsection (1)(e) for the words from “a relevant” to the end substitute “—
 - (i) if the declaration is made for the purposes only of the registration of local government electors in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) if the declaration is made for the purposes only of the registration of local government electors in Wales, a relevant citizen of the Union or a qualifying foreign citizen,”.
- (6) In section 16 of that Act (contents of service declaration), as it extends to Northern Ireland, in paragraph (e) for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”.
- (7) In section 17 of that Act (effect of service declaration), in subsection (1)(c), for the words from “a relevant” to the end substitute “—
 - (i) if the declaration is made for the purposes only of the registration of local government electors in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) if the declaration is made for the purposes only of the registration of local government electors in Wales, a relevant citizen of the Union or a qualifying foreign citizen,

of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.”
- (8) In section 49 of that Act (effect of registers), in subsection (5)(b)—
 - (a) after sub-paragraph (iii) insert—
 - “(iiiia) in the case of a person registered as a local government elector in England or entered in the list of proxies by virtue of being a qualifying EU citizen or an EU citizen with retained rights, a qualifying EU citizen or an EU citizen with retained rights;”;
 - (b) in sub-paragraph (iv), after “elector” insert “in Wales”.
- (9) In section 201 of that Act (regulations)—
 - (a) in subsection (2), after “203(4)” insert “or 203A(2)”;
 - (b) in subsection (2A), after “above” insert “or section 203A(2)”.
- (10) In section 203 of that Act (local government provisions as to England and Wales), at the appropriate place insert the following definitions—
 - ““EU citizen with retained rights” has the meaning given by section 203B;”;
 - “qualifying EU citizen” has the meaning given by section 203A;”.
- (11) After section 203 of that Act insert—

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“203A Meaning of “qualifying EU citizen”

- (1) In this Act “qualifying EU citizen” means a person who—
 - (a) is a citizen of a country for the time being listed in [Schedule 6A](#), and
 - (b) either—
 - (i) does not require leave under the Immigration Act 1971 to enter or remain in the United Kingdom or any of the Islands, or
 - (ii) does require such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.
- (2) The Secretary of State must by regulations add a country to the list in [Schedule 6A](#) where—
 - (a) the country is a qualifying country,
 - (b) the United Kingdom and the country intend to become parties to a relevant treaty, and
 - (c) section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) applies in relation to the relevant treaty and the requirements of that section have been met such that the relevant treaty may be ratified.
- (3) The Secretary of State may by regulations remove a country from the list in [Schedule 6A](#) where the country ceases to be a party to a relevant treaty to which the United Kingdom is also a party.
- (4) The Secretary of State must, as soon as reasonably practicable after regulations are made under subsection (2) or (3), give notice of that fact to—
 - (a) registration officers in England,
 - (b) registration officers for elections of police and crime commissioners for police areas in Wales,
 - (c) the Chief Electoral Officer for Northern Ireland, and
 - (d) the Electoral Commission.
- (5) In this section—

“the Islands” means the Channel Islands and the Isle of Man;

“qualifying country” means a country—

 - (a) that was a member State immediately before IP completion day, other than the Republic of Ireland,
 - (b) that was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
 - (c) that is formed entirely of two or more former countries, both or all of which were member States immediately before IP completion day, other than the Republic of Ireland;

“ratification”, in relation to a treaty, is to be construed in accordance with section 25(3) of the Constitutional Reform and Governance Act 2010;

“relevant treaty” means a treaty containing provision relating to eligibility to vote and to stand as a candidate at elections;

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“treaty” has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25 of that Act).

203B Meaning of “EU citizen with retained rights”

- (1) In this Act “EU citizen with retained rights” means a person who—
 - (a) is a citizen of a country falling within subsection (8),
 - (b) was a citizen of the Union immediately before IP completion day,
 - (c) was resident in the United Kingdom or any of the Islands immediately before that day,
 - (d) falls within any of subsections (2) to (4), and
 - (e) is not a qualifying EU citizen.
- (2) A person falls within this subsection if the person—
 - (a) has UK or Islands leave granted by virtue of residence scheme immigration rules, and
 - (b) has such leave otherwise than in accordance with provision in residence scheme immigration rules for joining family members.
- (3) A person falls within this subsection if—
 - (a) the person has UK or Islands leave but does not fall within subsection (2), and
 - (b) the requirements of subsection (5) are met in relation to the person.
- (4) A person falls within this subsection if—
 - (a) the person does not require UK or Islands leave,
 - (b) the person is resident in the United Kingdom or any of the Islands, and
 - (c) the requirements of subsection (5) are met in relation to the person.
- (5) The requirements referred to in subsections (3)(b) and (4)(c) are that—
 - (a) at all times since the relevant date, the person has either had UK or Islands leave or not required UK or Islands leave, and
 - (b) the person was resident in the United Kingdom or any of the Islands at all times after the relevant date when the person did not require UK or Islands leave.
- (6) In determining whether the requirement in subsection (5)(a) is met in relation to a person, any period to which subsection (7) applies is to be disregarded if the person was resident in the United Kingdom or any of the Islands during the period.
- (7) This subsection applies to any period after the relevant date during which the person required UK or Islands leave but did not have it, if at the end of the period the person was granted UK or Islands leave—
 - (a) in pursuance of an application made before the end of the relevant date, or
 - (b) in pursuance of an application made after the relevant date, where the leave was granted—
 - (i) by virtue of residence scheme immigration rules, and
 - (ii) otherwise than in accordance with provision in such rules for joining family members.

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- (8) A country falls within this subsection where the country—
- (a) was a member State immediately before IP completion day, other than the Republic of Ireland,
 - (b) was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
 - (c) is formed of two or more former countries, at least one of which was a member State immediately before IP completion day, other than the Republic of Ireland.
- (9) In this section a reference to a person having UK or Islands leave includes a reference to a person who is, by virtue of any enactment, to be treated as having such leave.
- (10) In this section—
- “the 1971 Act” means the Immigration Act 1971;
 - “the Islands” means the Channel Islands and the Isle of Man;
 - “the relevant date” means 30 June 2021;
 - “immigration rules” has the same meaning as in the 1971 Act;
 - “residence scheme immigration rules” means—
 - (a) residence scheme immigration rules within the meaning of Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17(1) of that Act),
 - (b) Appendix EU to the Guernsey immigration rules,
 - (c) Appendix EU to the Isle of Man immigration rules, or
 - (d) Appendix EU(J) to the Jersey immigration rules;
 - “UK or Islands leave” means leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands.
- (11) In this section—
- “Guernsey immigration rules” means the rules made in respect of the Bailiwick of Guernsey under sections 1(4) and 3(2) of the 1971 Act as extended to that Bailiwick;
 - “Isle of Man immigration rules” means the rules made in respect of the Isle of Man under section 3(2) of the 1971 Act as extended to the Isle of Man;
 - “Jersey immigration rules” means the rules contained in the directions made in respect of the Bailiwick of Jersey under sections 1(4A) and 3(2) of the 1971 Act as extended to that Bailiwick.
- (12) References in this section to provision in residence scheme immigration rules for joining family members are references to—
- (a) paragraph EU11A or EU14A of Appendix EU to the immigration rules or provision replacing either of those paragraphs, or
 - (b) provision corresponding to provision within paragraph (a) in the Guernsey immigration rules, the Isle of Man immigration rules or the Jersey immigration rules.”
- (12) After Schedule 6 to that Act insert—

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“SCHEDULE 6A

Section 203A

LIST OF COUNTRIES FOR PURPOSES OF SECTION 203A

- | | |
|---|-------------|
| 1 | Luxembourg. |
| 2 | Poland. |
| 3 | Portugal. |
| 4 | Spain.” |

Commencement Information

- I364** Sch. 8 para. 1 not in force at Royal Assent, see **s. 67(1)**
I365 Sch. 8 para. 1(1)-(8) in force at 7.5.2024 by S.I. 2023/1145, **reg. 5(b)** (with Sch. para. 1(3))
I366 Sch. 8 para. 1(9)-(12) in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(i)**
I367 Sch. 8 para. 1(9)-(12) in force at 7.5.2024 in so far as not already in force by S.I. 2023/1145, **reg. 5(b)**

PART 2

AMENDMENTS IN RELATION TO CERTAIN LOCAL ELECTIONS IN ENGLAND AND WALES

City of London (Various Powers) Act 1957

- 2 (1) The City of London (Various Powers) Act 1957 is amended as follows.
- (2) In section 4(1) (interpretation of Part 2)—
- (a) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
 - (b) at the appropriate places insert—
 - ““EU citizen with retained rights” has the same meaning as in the Act of 1983 (see section 203B of that Act);”;
 - ““qualifying EU citizen” has the same meaning as in the Act of 1983 (see section 203A of that Act);”.
- (3) In section 5 (qualification of candidate for election to common council), in subsection (1), for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”.
- (4) In section 6 (qualification of voters at ward elections), in subsection (1), for “relevant citizens of the Union” substitute “qualifying EU citizens or EU citizens with retained rights”.

Commencement Information

- I368** Sch. 8 para. 2 not in force at Royal Assent, see **s. 67(1)**
I369 Sch. 8 para. 2(1)-(3) in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(i)(ii)**
I370 Sch. 8 para. 2(1)-(3) in force at 7.5.2024 in so far as not already in force by S.I. 2023/1145, **reg. 5(b)**
I371 Sch. 8 para. 2(4) in force at 7.5.2024 by S.I. 2023/1145, **reg. 5(b)** (with Sch. para. 1(4))

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Local Government Act 1972

3 In section 79 of the Local Government Act 1972 (qualifications for election and holding office as member of local authority), as it extends to England and Wales and applies in relation to England—

- (a) in subsection (1), for “a relevant citizen of the Union” substitute “, in the case of a local authority in England, a qualifying EU citizen or an EU citizen with retained rights”;
- (b) for subsection (2A) substitute—

“(2A) In this section “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

Modifications etc. (not altering text)

C4 Savings for the amendments by Sch. 8 paras. 3-5 (7.5.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023](#) (S.I. 2023/1406), regs. 1(2), 17, 18

Commencement Information

I372 Sch. 8 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I373 Sch. 8 para. 3 in force at 1.11.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 3\(i\)\(iii\)](#)

I374 Sch. 8 para. 3 in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 5\(b\)](#)

Greater London Authority Act 1999

4 In section 20 of the Greater London Authority Act 1999 (qualification to be the Mayor or an Assembly member)—

- (a) in subsection (2)(c), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”;
- (b) in subsection (8)—
 - (i) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
 - (ii) in subsection (8), at the appropriate place insert—

““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.

Modifications etc. (not altering text)

C4 Savings for the amendments by Sch. 8 paras. 3-5 (7.5.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023](#) (S.I. 2023/1406), regs. 1(2), 17, 18

Commencement Information

I375 Sch. 8 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

I376 Sch. 8 para. 4 in force at 1.11.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 3\(i\)\(iii\)](#)

I377 Sch. 8 para. 4 in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 5\(b\)](#)

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Local Democracy, Economic Development and Construction Act 2009

- 5 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas), in paragraph 8(3), for the definition of “qualifying citizen” substitute—
- ““qualifying citizen” means a person who is—
- (a) a qualifying Commonwealth citizen (within the meaning given by section 79 of the Local Government Act 1972),
 - (b) a citizen of the Republic of Ireland,
 - (c) a qualifying EU citizen (within the meaning given by section 203A of the Representation of the People Act 1983), or
 - (d) an EU citizen with retained rights (within the meaning given by section 203B of that Act).”

Modifications etc. (not altering text)

C4 Savings for the amendments by Sch. 8 paras. 3-5 (7.5.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), 17, 18

Commencement Information

I378 Sch. 8 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

I379 Sch. 8 para. 5 in force at 1.11.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 3\(i\)\(iii\)](#)

I380 Sch. 8 para. 5 in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 5\(b\)](#)

Police Reform and Social Responsibility Act 2011

- 6 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 51(6C)(a) (election to fill vacancy in office of commissioner), for the words from “disqualified” to “Union” substitute “—
- (i) disqualified as a peer from voting as an elector at parliamentary elections, or
 - (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18”.
- (3) In section 52(1C)(a) (persons entitled to vote), for the words from “disqualified” to the end substitute “—
- (i) disqualified as a peer from voting as an elector at parliamentary elections, or
 - (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18”.
- (4) In section 64(1C)(a) (disqualification from election as police and crime commissioner), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (5) In section 68 (citizenship condition)—
- (a) in subsection (2)(c), for “citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”;
 - (b) omit subsection (5).
- (6) In section 102(1) (interpretation)—

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- (a) omit the definition of “relevant citizen of the Union”;
- (b) at the appropriate place insert—
““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.

Commencement Information

- I381** Sch. 8 para. 6 not in force at Royal Assent, see **s. 67(1)**
- I382** Sch. 8 para. 6(1)(2)(4)-(6) in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(i)(iv)**
- I383** Sch. 8 para. 6(1)(2)(4)-(6) in force at 7.5.2024 in so far as not already in force by S.I. 2023/1145, **reg. 5(b)**
- I384** Sch. 8 para. 6(3) in force at 7.5.2024 by S.I. 2023/1145, **reg. 5(b)** (with Sch. para. 1(3))

PART 3

AMENDMENTS IN RELATION TO CERTAIN ELECTIONS IN NORTHERN IRELAND

Electoral Law Act (Northern Ireland) 1962

- 7 In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules), in the Appendix of Forms, in form 2 (consent to nomination), for “or a citizen of another Member State of the European Union” substitute “, qualifying EU citizen (within the meaning of section 203A of the Representation of the People Act 1983) or EU citizen with retained rights (within the meaning of section 203B of that Act)”.

Commencement Information

- I385** Sch. 8 para. 7 not in force at Royal Assent, see **s. 67(1)**
- I386** Sch. 8 para. 7 in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(i)(v)**
- I387** Sch. 8 para. 7 in force at 7.5.2024 in so far as not already in force by S.I. 2023/1145, **reg. 5(b)**

Local Government Act (Northern Ireland) 1972

- 8 In section 3 of the Local Government Act (Northern Ireland) 1972 (qualifications)—
- (a) in subsection (1), for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”;
 - (b) in subsection (2)—
 - (i) omit from ““citizen of the Union” shall” to “Ireland; and”;
 - (ii) after “election” insert “; and “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

Commencement Information

- I388** Sch. 8 para. 8 not in force at Royal Assent, see **s. 67(1)**
- I389** Sch. 8 para. 8 in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(i)(v)**
- I390** Sch. 8 para. 8 in force at 7.5.2024 in so far as not already in force by S.I. 2023/1145, **reg. 5(b)**

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Elected Authorities (Northern Ireland) Act 1989

- 9 (1) The Elected Authorities (Northern Ireland) Act 1989 is amended as follows.
- (2) In section 1(1)(c) (local electors in Northern Ireland), for “or a relevant citizen of the Union” substitute “, a qualifying EU citizen or an EU citizen with retained rights”.
- (3) In section 10(1) (interpretation)—
- (a) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
 - (b) at the appropriate place insert—

““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.
- (4) In Part 1 of Schedule 1 (provisions of RPA 1983 applied to local elections), at the end insert—
- “Sections 203A and 203B (meaning of “qualifying EU citizen” and “EU citizen with retained rights”).
- Schedule 6A (list of countries for the purposes of section 203A).”
- (5) In Part 2 of Schedule 1 (modifications of provisions of RPA 1983 applied to local elections)—
- (a) in paragraph 7, before sub-paragraph (2) insert—

“(1A) In section 4(3)(c)—

 - (a) in sub-paragraph (i), omit “in relation to a local government election in England,”, and
 - (b) omit sub-paragraph (ii) (and the “or” preceding it).”;
 - (b) for paragraph 7A substitute—

“7A In section 7B—

 - (a) references to the United Kingdom are to be read as references to Northern Ireland;
 - (b) in subsection (3)(e)—
 - (i) in sub-paragraph (i), omit “in England,”, and
 - (ii) omit sub-paragraph (ii) (and the “or” preceding it);
 - (c) in subsection (7)(a)—
 - (i) in sub-paragraph (i), omit “in England,”, and
 - (ii) omit sub-paragraph (ii) (and the “or” preceding it).”;
 - (c) before paragraph 12 insert—

“11A In section 15(5)(a)—

 - (a) in sub-paragraph (i), omit “in England,”, and
 - (b) omit sub-paragraph (ii) (and the “or” preceding it).

11B In section 17(1)(c)—

 - (a) in sub-paragraph (i), omit “in England,”, and
 - (b) omit sub-paragraph (ii) (and the “or” preceding it).”;
 - (d) in paragraph 12, for paragraph (b) substitute—

“(b) in subsection (5)—

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- (i) in the first sentence, omit “, or entered in the list of proxies,”,
- (ii) in paragraph (b)(iiia), omit “in England or entered in the list of proxies”, and
- (iii) omit paragraph (b)(iv).”

Commencement Information

I391 Sch. 8 para. 9 not in force at Royal Assent, see **s. 67(1)**

I392 Sch. 8 para. 9 in force at 7.5.2024 by **S.I. 2023/1145**, **reg. 5(b)** (with Sch. para. 1(3))

Northern Ireland Act 1998

- 10 (1) Section 36 of the Northern Ireland Act 1998 (disqualification) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) A person who is a qualifying EU citizen or an EU citizen with retained rights is disqualified for membership of the Assembly unless the person is resident for the purposes of section 4(3) of the Representation of the People Act 1983 in—
- (a) an electoral area in Great Britain, or
 - (b) a district electoral area in Northern Ireland.”
- (3) In subsection (7), for “citizen of the European Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (4) After subsection (7) insert—
- “(8) In this section, “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections **203A** and **203B** of that Act).”

Commencement Information

I393 Sch. 8 para. 10 not in force at Royal Assent, see **s. 67(1)**

I394 Sch. 8 para. 10 in force at 1.11.2023 for specified purposes by **S.I. 2023/1145**, **reg. 3(i)(v)**

I395 Sch. 8 para. 10 in force at 7.5.2024 in so far as not already in force by **S.I. 2023/1145**, **reg. 5(b)**

Northern Ireland Assembly (Elections) Order 2001

- 11 (1) In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (**S.I. 2001/2599**) (application with modifications of RPA 1983 etc), the table is amended as follows.
- (2) In the right-hand column of the entry for section 49 of RPA 1983 (effect of registers), for the existing text substitute “In subsection (5)(b)(iiia), for “a local government elector in England” substitute “an elector””.
- (3) After the entry for section 202 of RPA 1983 insert—

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“Section 203A (meaning of “qualifying EU citizen”)

Section 203B (meaning of “EU citizen with retained rights”)”.

(4) After the entry for Schedule 4A to RPA 1983 insert—

“Schedule 6A (list of countries for purposes of section 203A)”.

Commencement Information

I396 Sch. 8 para. 11 not in force at Royal Assent, see **s. 67(1)**

I397 Sch. 8 para. 11 in force at 7.5.2024 by S.I. 2023/1145, **reg. 5(b)** (with Sch. para. 1(3))

PART 4

TRANSITIONAL PROVISION ETC

Holders of elected offices

- 12 (1) This paragraph applies where—
- (a) immediately before the coming into force of a particular provision of this Schedule (the “relevant provision”), a person holds an office falling within sub-paragraph (4),
 - (b) the person’s term in that office is due to continue after that time, and
 - (c) apart from this paragraph, the person would become disqualified for continuing to hold that office as a result of the coming into force of the relevant provision.
- (2) The coming into force of the relevant provision does not affect the person’s qualification to continue holding that office until the end of their current term in that office.
- (3) For the purposes of this paragraph, a person is to be treated as holding an office from the time when the person is elected as, or declared to be returned as, the holder of the office (and accordingly the person’s term of office is to be treated as beginning at that time).
- (4) The following offices fall within this sub-paragraph—
- (a) member of the Northern Ireland Assembly;
 - (b) member of a local authority in England;
 - (c) elected mayor (within the meaning of Part 1A of the Local Government Act 2000);
 - (d) mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - [^{F1}(da) mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]

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- (e) Mayor of London;
- (f) member of the London Assembly;
- (g) police and crime commissioner.

(5) In sub-paragraph (4)(b), “local authority in England” means a county council in England, a district council, a parish council, a London borough council or the Council of the Isles of Scilly.

Textual Amendments

F1 Sch. 8 para. 12(4)(da) inserted (7.5.2024) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(b)(ii), Sch. 4 para. 230 (with s. 247); S.I. 2023/1405, reg. 8

Commencement Information

I398 Sch. 8 para. 12 not in force at Royal Assent, see s. 67(1)

I399 Sch. 8 para. 12 in force at 7.5.2024 by S.I. 2023/1145, reg. 5(b)

Power to make transitional and saving provision

- 13 (1) The Secretary of State may by regulations make transitional or saving provision in connection with provision made by this Schedule.
- (2) Regulations under this paragraph may—
- (a) make provision modifying the effect of any statutory provision (including this Act);
 - (b) make different provision for different purposes.
- (3) Regulations under this paragraph are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Nothing in this paragraph affects the generality of section 67(4) (power to make transitional etc provision in connection with commencement).

Commencement Information

I400 Sch. 8 para. 13 not in force at Royal Assent, see s. 67(1)

I401 Sch. 8 para. 13 in force at 31.10.2023 by S.I. 2023/1145, reg. 2(h)

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SCHEDULE 9

Section 30

OFFENCES FOR PURPOSES OF PART 5

PART 1

COMMON LAW OFFENCES

Offences under the law of England and Wales, Scotland and Northern Ireland

1 Kidnapping.

Commencement Information**I402** Sch. 9 para. 1 not in force at Royal Assent, see **s. 67(1)****I403** Sch. 9 para. 1 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

2 Murder.

Commencement Information**I404** Sch. 9 para. 2 not in force at Royal Assent, see **s. 67(1)****I405** Sch. 9 para. 2 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)***Offences under the law of England and Wales and Northern Ireland*

3 False imprisonment.

Commencement Information**I406** Sch. 9 para. 3 not in force at Royal Assent, see **s. 67(1)****I407** Sch. 9 para. 3 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

4 Manslaughter.

Commencement Information**I408** Sch. 9 para. 4 not in force at Royal Assent, see **s. 67(1)****I409** Sch. 9 para. 4 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)***Offences under the law of Scotland*

5 Abduction.

Commencement Information**I410** Sch. 9 para. 5 not in force at Royal Assent, see **s. 67(1)****I411** Sch. 9 para. 5 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

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6 Assault to the danger of life.

Commencement Information

I412 Sch. 9 para. 6 not in force at Royal Assent, see s. 67(1)

I413 Sch. 9 para. 6 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

7 Assault to severe injury.

Commencement Information

I414 Sch. 9 para. 7 not in force at Royal Assent, see s. 67(1)

I415 Sch. 9 para. 7 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

8 Assault with intent to rape or ravish.

Commencement Information

I416 Sch. 9 para. 8 not in force at Royal Assent, see s. 67(1)

I417 Sch. 9 para. 8 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

9 Assault other than a kind listed in paragraphs 6 to 8.

Commencement Information

I418 Sch. 9 para. 9 not in force at Royal Assent, see s. 67(1)

I419 Sch. 9 para. 9 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

10 Breach of the peace.

Commencement Information

I420 Sch. 9 para. 10 not in force at Royal Assent, see s. 67(1)

I421 Sch. 9 para. 10 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

11 Culpable homicide.

Commencement Information

I422 Sch. 9 para. 11 not in force at Royal Assent, see s. 67(1)

I423 Sch. 9 para. 11 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

12 Culpable and reckless conduct.

Commencement Information

I424 Sch. 9 para. 12 not in force at Royal Assent, see s. 67(1)

I425 Sch. 9 para. 12 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

13 Culpable and reckless endangering of the public.

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Commencement Information

I426 Sch. 9 para. 13 not in force at Royal Assent, see **s. 67(1)**

I427 Sch. 9 para. 13 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

14 Culpable and reckless fire-raising.

Commencement Information

I428 Sch. 9 para. 14 not in force at Royal Assent, see **s. 67(1)**

I429 Sch. 9 para. 14 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

15 Drugging.

Commencement Information

I430 Sch. 9 para. 15 not in force at Royal Assent, see **s. 67(1)**

I431 Sch. 9 para. 15 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

16 Extortion.

Commencement Information

I432 Sch. 9 para. 16 not in force at Royal Assent, see **s. 67(1)**

I433 Sch. 9 para. 16 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

17 Malicious mischief.

Commencement Information

I434 Sch. 9 para. 17 not in force at Royal Assent, see **s. 67(1)**

I435 Sch. 9 para. 17 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

18 Mobbing and rioting.

Commencement Information

I436 Sch. 9 para. 18 not in force at Royal Assent, see **s. 67(1)**

I437 Sch. 9 para. 18 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

19 Uttering threats.

Commencement Information

I438 Sch. 9 para. 19 not in force at Royal Assent, see **s. 67(1)**

I439 Sch. 9 para. 19 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(j)**

20 Wilful fire-raising.

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Commencement Information

I440 Sch. 9 para. 20 not in force at Royal Assent, see [s. 67\(1\)](#)

I441 [Sch. 9 para. 20](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Offences under the law of Northern Ireland

21 Affray.

Commencement Information

I442 Sch. 9 para. 21 not in force at Royal Assent, see [s. 67\(1\)](#)

I443 [Sch. 9 para. 21](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

22 Riot.

Commencement Information

I444 Sch. 9 para. 22 not in force at Royal Assent, see [s. 67\(1\)](#)

I445 [Sch. 9 para. 22](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

PART 2

STATUTORY OFFENCES

Offences against the Person Act 1861

23 An offence under any of the following provisions of the Offences against the Person Act 1861—

- (a) section 4 (soliciting murder);
- (b) section 16 (threats to kill);
- (c) section 18 (wounding with intent);
- (d) section 20 (inflicting bodily injury, with or without weapon);
- (e) section 21 (attempting to choke etc in order to commit any indictable offence);
- (f) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);
- (g) section 28 (causing bodily injury by explosives);
- (h) section 29 (using explosives etc with intent to do grievous bodily harm);
- (i) section 30 (placing explosives with intent to do bodily injury);
- (j) section 35 (drivers of carriages injuring persons by furious driving);
- (k) section 42 (common assault or battery);
- (l) section 47 (assault occasioning bodily harm).

Commencement Information

I446 Sch. 9 para. 23 not in force at Royal Assent, see [s. 67\(1\)](#)

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I447 Sch. 9 para. 23 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

Explosive Substances Act 1883

- 24 An offence under either of the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or property);
 - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

Commencement Information

I448 Sch. 9 para. 24 not in force at Royal Assent, see s. 67(1)

I449 Sch. 9 para. 24 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

Theft Act 1968

- 25 An offence under any of the following provisions of the Theft Act 1968—
- (a) section 9, where the offence is burglary with intent to—
 - (i) inflict grievous bodily harm on a person, or
 - (ii) do unlawful damage to a building or anything in it;
 - (b) section 10 (aggravated burglary);
 - (c) section 12A (aggravated vehicle-taking);
 - (d) section 21 (blackmail).

Commencement Information

I450 Sch. 9 para. 25 not in force at Royal Assent, see s. 67(1)

I451 Sch. 9 para. 25 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

Theft Act (Northern Ireland) 1969

- 26 An offence under any of the following provisions of the Theft Act (Northern Ireland) 1969—
- (a) section 9, where the offence is burglary with intent to—
 - (i) inflict grievous bodily harm on a person, or
 - (ii) do unlawful damage to a building or anything in it;
 - (b) section 10 (aggravated burglary);
 - (c) section 20 (blackmail).

Commencement Information

I452 Sch. 9 para. 26 not in force at Royal Assent, see s. 67(1)

I453 Sch. 9 para. 26 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

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Criminal Damage Act 1971

- 27 An offence under any of the following provisions of the Criminal Damage Act 1971—
- (a) section 1(1) (destroying or damaging property);
 - (b) section 1(2) (destroying or damaging property intending, or being reckless as to, endangerment of life);
 - (c) section 1(3) (arson);
 - (d) section 2 (threats to destroy or damage property).

Commencement Information

I454 Sch. 9 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

I455 Sch. 9 para. 27 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Protection from Eviction Act 1977

- 28 An offence under section 1 of the Protection from Eviction Act 1977 (unlawful eviction and harassment of occupier).

Commencement Information

I456 Sch. 9 para. 28 not in force at Royal Assent, see [s. 67\(1\)](#)

I457 Sch. 9 para. 28 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Criminal Law Act 1977

- 29 An offence under either of the following provisions of the Criminal Law Act 1977—
- (a) section 6 (violence for securing entry);
 - (b) section 51 (bomb hoaxes).

Commencement Information

I458 Sch. 9 para. 29 not in force at Royal Assent, see [s. 67\(1\)](#)

I459 Sch. 9 para. 29 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Criminal Damage (Northern Ireland) Order 1977

- 30 An offence under any of the following provisions of the Criminal Damage (Northern Ireland) Order 1977—
- (a) article 3(1) (destroying or damaging property);
 - (b) article 3(2) (destroying or damaging property intending, or being reckless as to, endangerment of life);
 - (c) article 3(3) (arson);
 - (d) article 4 (threats to destroy or damage property).

Commencement Information

I460 Sch. 9 para. 30 not in force at Royal Assent, see [s. 67\(1\)](#)

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I461 [Sch. 9 para. 30](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Rent (Northern Ireland) Order 1978

31 An offence under article 54 of the Rent (Northern Ireland) Order 1978 (unlawful eviction and harassment of occupier).

Commencement Information

I462 [Sch. 9 para. 31](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I463 [Sch. 9 para. 31](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Road Traffic (Northern Ireland) Order 1981

32 An offence under article 172A or 172B of the Road Traffic (Northern Ireland) Order 1981 (aggravated vehicle taking).

Commencement Information

I464 [Sch. 9 para. 32](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I465 [Sch. 9 para. 32](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Taking of Hostages Act 1982

33 An offence under section 1 of the Taking of Hostages Act 1982 (hostage taking).

Commencement Information

I466 [Sch. 9 para. 33](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I467 [Sch. 9 para. 33](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Rent (Scotland) Act 1984

34 An offence under section 22 of the Rent (Scotland) Act 1984 (unlawful eviction and harassment of occupier).

Commencement Information

I468 [Sch. 9 para. 34](#) not in force at Royal Assent, see [s. 67\(1\)](#)

I469 [Sch. 9 para. 34](#) in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Public Order Act 1986

35 An offence under any of the following provisions of the Public Order Act 1986—

- (a) section 1 (riot);
- (b) section 2 (violent disorder);
- (c) section 3 (affray);

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- (d) section 4 (using threatening or abusive words or behaviour etc with intent to cause fear of violence etc);
- (e) section 4A (intentional harassment, alarm or distress);
- (f) section 5 (using threatening or abusive words or behaviour within the hearing or sight of someone likely to be caused alarm or distress);
- (g) section 18 (racial hatred: use of words or behaviour or display of written material);
- (h) section 19 (racial hatred: publishing or distributing written material);
- (i) section 20 (racial hatred: public performance of play);
- (j) section 21 (racial hatred: distributing, showing or playing a recording);
- (k) section 22 (racial hatred: broadcasting or including programme in programme service);
- (l) section 29B (religious hatred or hatred on the grounds of sexual orientation: use of words or behaviour or display of written material);
- (m) section 29C (religious hatred or hatred on the grounds of sexual orientation: publishing or distributing written material);
- (n) section 29D (religious hatred or hatred on the grounds of sexual orientation: public performance of play);
- (o) section 29E (religious hatred or hatred on the grounds of sexual orientation: distributing, showing or playing a recording);
- (p) section 29F (religious hatred or hatred on the grounds of sexual orientation: broadcasting or including programme in programme service).

Commencement Information

I470 Sch. 9 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

I471 Sch. 9 para. 35 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Public Order (Northern Ireland) Order 1987

- 36 An offence under any of the following provisions of the Public Order (Northern Ireland) Order 1987—
- (a) article 9 (racial hatred: use of words or behaviour or display of written material);
 - (b) article 10 (racial hatred: publishing or distributing written material);
 - (c) article 11 (racial hatred: distributing, showing or playing a recording);
 - (d) article 12 (racial hatred: broadcasting or including programme in programme service);
 - (e) article 18(1)(a) (disorderly behaviour);
 - (f) article 18(1)(b) (breach of the peace);
 - (g) article 18(3) (riotous behaviour).

Commencement Information

I472 Sch. 9 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)

I473 Sch. 9 para. 36 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

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Criminal Justice Act 1988

- 37 An offence under either of the following provisions of the Criminal Justice Act 1988—
- (a) section 39(1) (common assault or battery);
 - (b) section 134 (torture).

Commencement Information

I474 Sch. 9 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

I475 Sch. 9 para. 37 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Malicious Communications Act 1988

- 38 An offence under section 1 of the Malicious Communications Act 1988 (sending communications with intent to cause distress or anxiety).

Commencement Information

I476 Sch. 9 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

I477 Sch. 9 para. 38 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Malicious Communications (Northern Ireland) Order 1988

- 39 An offence under article 3 of the Malicious Communications (Northern Ireland) Order 1988 (sending communications with intent to cause distress or anxiety).

Commencement Information

I478 Sch. 9 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

I479 Sch. 9 para. 39 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Trade Union and Labour Relations (Consolidation) Act 1992

- 40 An offence under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992 (intimidation or annoyance by violence or otherwise).

Commencement Information

I480 Sch. 9 para. 40 not in force at Royal Assent, see [s. 67\(1\)](#)

I481 Sch. 9 para. 40 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Criminal Justice and Public Order Act 1994

- 41 An offence under section 68 of the Criminal Justice and Public Order Act 1994 (aggravated trespass).

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Commencement Information

- I482** Sch. 9 para. 41 not in force at Royal Assent, see [s. 67\(1\)](#)
I483 Sch. 9 para. 41 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Criminal Law (Consolidation) (Scotland) Act 1995

- 42 An offence under either of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 50A (racially aggravated harassment);
 - (b) section 52 (vandalism).

Commencement Information

- I484** Sch. 9 para. 42 not in force at Royal Assent, see [s. 67\(1\)](#)
I485 Sch. 9 para. 42 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Protection from Harassment Act 1997

- 43 An offence under any of the following provisions of the Protection from Harassment Act 1997—
- (a) section 2 (harassment);
 - (b) section 2A (stalking);
 - (c) section 4 (harassment involving putting a person in fear of violence);
 - (d) section 4A (stalking involving putting a person in fear of violence).

Commencement Information

- I486** Sch. 9 para. 43 not in force at Royal Assent, see [s. 67\(1\)](#)
I487 Sch. 9 para. 43 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Protection from Harassment (Northern Ireland) Order 1997

- 44 An offence under either of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997—
- (a) article 4 (harassment);
 - (b) article 6 (course of conduct involving putting someone in fear of violence).

Commencement Information

- I488** Sch. 9 para. 44 not in force at Royal Assent, see [s. 67\(1\)](#)
I489 Sch. 9 para. 44 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Crime and Disorder Act 1998

- 45 An offence under any of the following provisions of the Crime and Disorder Act 1998—
- (a) section 29 (racially or religiously aggravated assault);

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- (b) section 30 (racially or religiously aggravated criminal damage);
- (c) section 31 (racially or religiously aggravated offences under section 4, 4A or 5 of the Public Order Act 1986);
- (d) section 32 (racially or religiously aggravated harassment or stalking).

Commencement Information

I490 Sch. 9 para. 45 not in force at Royal Assent, see [s. 67\(1\)](#)

I491 Sch. 9 para. 45 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Communications Act 2003

- 46 An offence under section 127 of the Communications Act 2003 (improper use of public electronic communications network).

Commencement Information

I492 Sch. 9 para. 46 not in force at Royal Assent, see [s. 67\(1\)](#)

I493 Sch. 9 para. 46 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Sexual Offences Act 2003

- 47 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 1 (rape);
 - (b) section 2 (assault by penetration);
 - (c) section 3 (sexual assault);
 - (d) section 62 (committing an offence with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under section 1, 2, 3 or 66;
 - (e) section 63 (trespass with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under section 1, 2, 3 or 66;
 - (f) section 66 (exposure).
- [^{F2}(g) section 66A (sending etc photograph or film of genitals).]

Textual Amendments

F2 Sch. 9 para. 47(g) inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), [Sch. 14 para. 21](#); [S.I. 2024/31](#), [reg. 2](#)

Commencement Information

I494 Sch. 9 para. 47 not in force at Royal Assent, see [s. 67\(1\)](#)

I495 Sch. 9 para. 47 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(j\)](#)

Sexual Offences (Northern Ireland) Order 2008

- 48 An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—
- (a) article 5 (rape);

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- (b) article 6 (assault by penetration);
- (c) article 7 (sexual assault);
- (d) article 66 (committing an offence with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under article 5, 6, 7 or 70;
- (e) article 67 (trespass with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under article 5, 6, 7 or 70;
- (f) article 70 (exposure).

Commencement Information

I496 Sch. 9 para. 48 not in force at Royal Assent, see [s. 67\(1\)](#)

I497 Sch. 9 para. 48 in force at 1.11.2023 by S.I. 2023/1145, [reg. 3\(j\)](#)

Sexual Offences (Scotland) Act 2009 (asp 9)

- 49 An offence under any of the following provisions of the Sexual Offences (Scotland) Act 2009—
- (a) section 1 (rape);
 - (b) section 2 (sexual assault by penetration);
 - (c) section 3 (sexual assault);
 - (d) section 8 (sexual exposure).

Commencement Information

I498 Sch. 9 para. 49 not in force at Royal Assent, see [s. 67\(1\)](#)

I499 Sch. 9 para. 49 in force at 1.11.2023 by S.I. 2023/1145, [reg. 3\(j\)](#)

Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)

- 50 An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
- (a) section 38 (threatening or abusive behaviour);
 - (b) section 39 (stalking).

Commencement Information

I500 Sch. 9 para. 50 not in force at Royal Assent, see [s. 67\(1\)](#)

I501 Sch. 9 para. 50 in force at 1.11.2023 by S.I. 2023/1145, [reg. 3\(j\)](#)

Serious Crime Act 2015

- 51 An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).

Commencement Information

I502 Sch. 9 para. 51 not in force at Royal Assent, see [s. 67\(1\)](#)

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I503 Sch. 9 para. 51 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

Hate Crime and Public Order (Scotland) Act 2021 (asp 14)

52 An offence under section 3 of the Hate Crime and Public Order (Scotland) Act 2021 (racially aggravated harassment).

Commencement Information

I504 Sch. 9 para. 52 not in force at Royal Assent, see s. 67(1)

I505 Sch. 9 para. 52 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

Online Safety Act 2023

[^{F3}52A An offence under any of the following provisions of the Online Safety Act 2023—
(a) section 179 (false communications);
(b) section 181 (threatening communications);
(c) section 183 (sending or showing flashing images).]

Textual Amendments

F3 Sch. 9 Pt. 2 para. 52A and cross-heading inserted (31.1.2024) by Online Safety Act 2023 (c. 50), s. 240(1), Sch. 14 para. 5; S.I. 2024/31, reg. 2

PART 3

INCHOATE OFFENCES

- 53 (1) An inchoate offence in relation to an offence listed in Part 1 or 2 of this Schedule.
- (2) In sub-paragraph (1), inchoate offence, in relation to an offence, means—
- an attempt to commit the offence,
 - conspiracy to commit the offence,
 - an offence under Part 2 of the Serious Crime Act 2007 related to the offence,
or
 - incitement to commit the offence.
- (3) For the purposes of sub-paragraph (2)(c), an offence committed by a person under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.

Commencement Information

I506 Sch. 9 para. 53 not in force at Royal Assent, see s. 67(1)

I507 Sch. 9 para. 53 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(j)

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SCHEDULE 10

Section 38

DISQUALIFICATION ORDERS: MINOR AND CONSEQUENTIAL AMENDMENTS

Electoral Law Act (Northern Ireland) 1962

- 1 (1) Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules) is amended as follows.
 - (2) In rule 10(2) (validity of nomination papers), after sub-paragraph (b) insert—
 - “(c) that an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc) has effect in relation to the candidate.”
 - (3) In the Appendix of Forms, in form 2 (consent to nomination), after “printed overleaf” insert “, or by reason of an order under section 30 of the Elections Act 2022”.

Commencement Information

I508 Sch. 10 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

I509 Sch. 10 para. 1 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#) (with [Sch. para. 1\(1\)\(2\)](#))

Local Government Act 1972

- 2 (1) The Local Government Act 1972 is amended as follows.
 - (2) In section 85(3A) (vacation of office by failure to attend meetings), after “2000” insert “, or suspended under section 31(4) of the Elections Act 2022,”.
 - (3) In section 86 (declaration by local authority of vacancy), in subsection (1)(b), after “1983” insert “, or by virtue of an order under section 30 of the Elections Act 2022”.
 - (4) In section 87 (date of casual vacancies)—
 - (a) in subsection (1), before paragraph (e) insert—
 - “(db) in the case of a disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 31 of that Act (vacation of office etc);”;
 - (b) after subsection (1) insert—
 - “(1A) In a case where subsection (1)(db) and one or both of subsections (1)(d) and (1)(da) apply in relation to a vacancy, the vacancy is to be deemed to have occurred on the date mentioned in subsection (1)(db).”

Commencement Information

I510 Sch. 10 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

I511 Sch. 10 para. 2 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#)

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Local Government Act (Northern Ireland) 1972

- 3 (1) The Local Government Act (Northern Ireland) 1972 is amended as follows.
- (2) In section 9(4) (vacation of office on account of non-attendance), after “2014” insert “, or suspended under section 31(4) of the Elections Act 2022,”.
- (3) In section 10 (declaration of vacancy in office)—
- (a) the existing text becomes subsection (1);
 - (b) in paragraph (a) of that subsection, after “illegal practices” insert “, or of an order under section 30 of the Elections Act 2022”;
 - (c) after that subsection insert—
 - “(2) Where a councillor becomes disqualified for being a councillor by reason of both—
 - (a) an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), and
 - (b) section 4(1)(cc) (disqualification by reason of imprisonment etc for an offence),
 section 31 of the Elections Act 2022 (vacation of office) applies in relation to the vacation of the office (and accordingly subsection (1) does not apply).”

Commencement Information

I512 Sch. 10 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I513 Sch. 10 para. 3 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#)

Representation of the People Act 1983

- 4 (1) Schedule 1 to RPA 1983 (parliamentary election rules) is amended as follows.
- (2) In rule 12(2)(c) (validity of nomination), after “1981” insert “or by virtue of an order under section 30 of the Elections Act 2022”.

Commencement Information

I514 Sch. 10 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

I515 Sch. 10 para. 4 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#) (with [Sch. para. 1\(1\)](#))

Northern Ireland Act 1998

- 5 (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 37(4) (effect of disqualification)—
- (a) after “etc” insert “and section 31 of the Elections Act 2022 (disqualification of offenders for holding elective office etc)”;
 - (b) for “that section” substitute “either of those sections”.

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Commencement Information

I516 Sch. 10 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

I517 Sch. 10 para. 5 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#)

Greater London Authority Act 1999

- 6 (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 6(5) (Assembly members: failure to attend meetings), after “2000” insert “, or suspended under section 31(4) of the Elections Act 2022,”.
- (3) In section 7(b) (Assembly members: declaration of vacancy in certain cases), after sub-paragraph (ia) insert—
- “(ib) by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc),”.
- (4) In section 9 (Assembly members: date of casual vacancies)—
- (a) in subsection (1), after paragraph (f) insert—
- “(fa) in the case of disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 31 of that Act (vacation of office etc),”;
- (b) after subsection (1) insert—
- “(1A) In a case where subsection (1)(fa) and (f) (in the case of a conviction) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(fa).”
- (5) In section 13(2) (Mayor: failure to attend meetings), after “2000” insert “, or suspended under section 31(4) of the Elections Act 2022,”.
- (6) In section 14(b) (Mayor: declaration of vacancy in certain cases), after sub-paragraph (ia) insert—
- “(ib) by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc),”.

Commencement Information

I518 Sch. 10 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

I519 Sch. 10 para. 6 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#)

Government of Wales Act 2006

- 7 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 18 (effect of disqualification)—
- (a) in subsection (5), before paragraph (b) insert—

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- “(aa) section 31 of the Elections Act 2022 (disqualification of offenders for holding elective office etc);”;
- (b) in subsection (6), for “the provision” substitute “either of the provisions”.
- (3) In Part 1 of Schedule 1A (categories of persons disqualified), after paragraph 6 insert—

“Persons subject to a disqualification order

- 6A A person subject to a disqualification order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc).”

Commencement Information

I520 Sch. 10 para. 7 not in force at Royal Assent, see **s. 67(1)**

I521 Sch. 10 para. 7 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(k)**

Armed Forces Act 2006

- 8 (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 236 insert—

“Disqualification of offenders for holding elective office etc

236A Disqualification orders

- (1) This section applies where—
- (a) a person (“the offender”) is convicted of a qualifying section 42 offence by a court,
 - (b) the offender was aged 18 or over when the offence was committed, and
 - (c) the court is satisfied beyond reasonable doubt that the offence is aggravated by hostility related to persons falling within any of sections 32 to 34 of the Elections Act 2022.
- (2) The court must, when dealing with the offender for the offence, also make an order (a “disqualification order”) that the offender is disqualified, for the period of 5 years beginning with the date on which the order is made—
- (a) for being nominated for election to a relevant elective office, and
 - (b) for being elected to or holding a relevant elective office.
- (3) Subsection (2) does not apply where the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to make the order; and in such a case the court must state in open court the reasons for not making the order.
- (4) For the purposes of this section an offence is aggravated by hostility related to persons falling within any of sections 32 to 34 of the Elections Act 2022 if—

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- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim being (or being presumed to be) a person falling within any of those sections, or
 - (b) the offence was motivated (wholly or partly) by hostility towards persons falling within any of those sections in their capacity as such.
- (5) For the purposes of subsection (4) it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- (6) For the purpose of deciding whether to make a disqualification order the court may consider evidence led by the parties to the proceedings.
- (7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.
- (8) Where a qualifying section 42 offence is found to have been committed—
- (a) over a period of 2 or more days, or
 - (b) at some time during a period of 2 or more days,
- it is to be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.
- (9) For the purposes of any appeal against a disqualification order—
- (a) references in section 141 to a finding or punishment include the making of a disqualification order;
 - (b) references in section 16A of the Court Martial Appeals Act 1968 to passing a sentence include making a disqualification order.
- (10) In this section—
- “court” means the court or officer sentencing the offender;
 - “presumed” means presumed by the offender;
 - “qualifying section 42 offence” means an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is an offence listed in [Schedule 9](#) to the Elections Act 2022;
 - “relevant elective office” has the same meaning as in Part 5 of the Elections Act 2022 (see section 37 of that Act).

236B Effect of disqualification order

References (however expressed) in any enactment to an order under section 30 of the Elections Act 2022 include references to an order under section [236A](#).”

Commencement Information

I522 Sch. 10 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

I523 Sch. 10 para. 8 in force at 1.11.2023 by S.I. 2023/1145, [reg. 3\(k\)](#) (with Sch. paras. 9(3)(4))

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Police Reform and Social Responsibility Act 2011

- 9 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 59 (date of vacancy in office of commissioner)—
- (a) in subsection (1), after paragraph (d) insert—
- “(e) in the case of disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 31 of that Act (vacation of office etc).”;
- (b) after subsection (2) insert—
- “(2A) In a case where subsection (1)(e) and (d) (in the case of a disqualification by virtue of section 66(3)(c)) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(e).”

Commencement Information

I524 Sch. 10 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

I525 Sch. 10 para. 9 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#)

Sentencing Act 2020

- 10 (1) The Sentencing Act 2020 is amended as follows.
- (2) In section 379(1) (other behaviour orders etc), after the entry for the Psychoactive Substances Act 2016 insert—

“Elections Act 2022

section 30	disqualification order	Schedule 9 offence within the meaning of section 30 of that Act.”
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Commencement Information

I526 Sch. 10 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

I527 Sch. 10 para. 10 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(k\)](#)

SCHEDULE 11

Section 48

ILLEGAL PRACTICES

Candidates etc at parliamentary, Northern Ireland Assembly and local elections

- 1 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),

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- (b) the election is—
 - (i) a parliamentary election,
 - (ii) an election to the Northern Ireland Assembly,
 - (iii) a local government election within the meaning of section 191 or 203 of RPA 1983,
 - (iv) an election under Part 1A or 2 of the Local Government Act 2000 for the return of an elected mayor, ^{F4}...
 - (v) an election for the return of a mayor for the area of a combined authority, [^{F5}or
 - (vi) an election for the return of a mayor for the area of a combined county authority,] and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110(12) (details to appear on election publications) of that Act.
- (4) In sub-paragraph (3) references to RPA 1983 include references to that Act—
 - (a) as it applies in relation to elections to the Northern Ireland Assembly by virtue of the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599),
 - (b) as it applies in relation to an election under Part 1A or 2 of the Local Government Act 2000 for the return of an elected mayor by virtue of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), ^{F6}...
 - (c) as it applies in relation to an election for the return of a mayor for the area of a combined authority by virtue of the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67), [^{F7}and
 - (d) as it applies in relation to an election for the return of a mayor for the area of a combined county authority by virtue of regulations under paragraph 12(1) of [Schedule 2](#) to the Levelling-up and Regeneration Act 2023.]
- (5) In this paragraph “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- [^{F8}(6) In this paragraph “combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.]

Textual Amendments

- F4** Word in [Sch. 11 para. 1\(1\)\(b\)\(iv\)](#) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(b)(ii), [Sch. 4 para. 229\(2\)\(a\)](#) (with s. 247); S.I. 2023/1405, reg. 7(b)
- F5** [Sch. 11 para. 1\(1\)\(b\)\(vi\)](#) and word inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(b)(ii), [Sch. 4 para. 229\(2\)\(b\)](#) (with s. 247); S.I. 2023/1405, reg. 7(b)

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- F6** Word in Sch. 11 para. 1(4)(b) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(b)(ii), **Sch. 4 para. 229(3)(a)** (with s. 247); S.I. 2023/1405, reg. 7(b)
- F7** Sch. 11 para. 1(4)(d) and word inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(b)(ii), **Sch. 4 para. 229(3)(b)** (with s. 247); S.I. 2023/1405, reg. 7(b)
- F8** Sch. 11 para. 1(6) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(b)(ii), **Sch. 4 para. 229(4)** (with s. 247); S.I. 2023/1405, reg. 7(b)

Commencement Information

- I528** Sch. 11 para. 1 not in force at Royal Assent, see **s. 67(1)**
- I529** Sch. 11 para. 1 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(l)**

Candidates etc at elections to the Scottish Parliament

- 2 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election to the Scottish Parliament, or an election agent of such a candidate, would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 72(12) of that Order (details to appear on election publications).

Commencement Information

- I530** Sch. 11 para. 2 not in force at Royal Assent, see **s. 67(1)**
- I531** Sch. 11 para. 2 in force at 1.11.2023 by S.I. 2023/1145, **reg. 3(l)**

Candidates etc at elections to Senedd Cymru

- 3 (1) This paragraph applies if—
- (a) apart from this paragraph—
 - (i) a constituency or individual candidate at an election to Senedd Cymru or an election agent of such a candidate, or
 - (ii) a party list candidate at an election to Senedd Cymru or the election agent of a registered party in relation to that party's list at such an election,
 would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.

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- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 76(12) of that Order (printer’s name and address on election publications).
- (4) In this paragraph “constituency candidate”, “individual candidate” and “party list candidate” have the same meanings as in that Order (see article 2).

Commencement Information

I532 Sch. 11 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I533 Sch. 11 para. 3 in force at 1.11.2023 by S.I. 2023/1145, [reg. 3\(1\)](#)

Candidates etc at local elections in Scotland

- 4
- (1) This paragraph applies if—
 - (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is a local government election within the meaning of section 204 of RPA 1983, and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
 - (2) The candidate or election agent is instead guilty of an illegal practice.
 - (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110A(14) of that Act (details to appear on election publications).

Commencement Information

I534 Sch. 11 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

I535 Sch. 11 para. 4 in force at 1.11.2023 by S.I. 2023/1145, [reg. 3\(1\)](#)

Candidates etc at local elections in Northern Ireland

- 5
- (1) This paragraph applies if—
 - (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act), and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or

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- (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Electoral Law Act (Northern Ireland) 1962 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of paragraph 14 of Schedule 9 to that Act (electoral misdemeanours).

Commencement Information

I536 Sch. 11 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

I537 Sch. 11 para. 5 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(l\)](#)

Candidates at police and crime commissioner elections

- 6 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election of a police and crime commissioner, or an election agent of such a candidate, would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Police and Crime Commissioner Elections Order 2012 ([S.I. 2012/1917](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 64(12) of that Order (details to appear on election publications).

Commencement Information

I538 Sch. 11 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

I539 Sch. 11 para. 6 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(l\)](#)

MPs and recall petitions

- 7 (1) This paragraph applies if—
- (a) apart from this paragraph, an MP within the meaning of the Recall of MPs Act 2015 would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within section 45(7).
- (2) The MP is instead guilty of an illegal practice.
- (3) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 ([S.I. 2016/295](#)) apply in relation to the MP and the illegal practice as they apply in relation to an MP and an

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illegal practice by virtue of regulation 131(9) of those regulations (details to appear on petition publications).

Commencement Information

I540 Sch. 11 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

I541 Sch. 11 para. 7 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(l\)](#)

SCHEDULE 12

Section 53

SUPPLY OF INFORMATION ETC

Supply of information etc

- 1 (1) A relevant enforcer may give notice in writing to any person requiring the person to provide a relevant enforcer, or a person authorised by a relevant enforcer, with any information which—
- (a) is identified in the notice, and
 - (b) is reasonably required by a relevant enforcer for the purposes of—
 - (i) determining whether electronic material has been published in contravention of section 41, or
 - (ii) making contact with the promoter of the material or the person on behalf of whom the material has been published (and who is not the promoter).
- (2) A relevant enforcer may give notice in writing to any person requiring the person to provide a relevant enforcer, or a person authorised by a relevant enforcer, with a copy of any electronic material which—
- (a) is identified in the notice, and
 - (b) is reasonably required by a relevant enforcer for the purposes of determining whether electronic material has been published in contravention of section 41.
- (3) A person to whom a notice is given under this paragraph must comply with it within such reasonable time as is specified in the notice.
- (4) A relevant enforcer may by notice in writing withdraw or vary a notice under this paragraph at any time.

Commencement Information

I542 Sch. 12 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

I543 Sch. 12 para. 1 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(m\)](#)

Court order for disclosure of information etc

- 2 (1) This paragraph applies if a relevant enforcer has given a notice under paragraph [1\(1\)](#) requiring any information to be provided.

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- (2) The High Court or (in Scotland) the Court of Session may make an information disclosure order against a person (“the respondent”) if satisfied on an application by a relevant enforcer that there is information identified in the notice under paragraph 1(1) which—
- (a) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),
 - (b) is reasonably required by a relevant enforcer for a purpose within paragraph 1(1)(b), and
 - (c) the respondent is able to provide.
- (3) An information disclosure order is an order requiring the respondent to provide to a relevant enforcer, within such time as is specified in the order, such information falling within sub-paragraph (2)(b) as is identified in the order.

Commencement Information

I544 Sch. 12 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

I545 Sch. 12 para. 2 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(m\)](#)

- 3
- (1) This paragraph applies if a relevant enforcer has given a notice under paragraph 1(2) requiring any electronic material to be provided.
- (2) The High Court or (in Scotland) the Court of Session may make an electronic material disclosure order against a person (“the respondent”) if satisfied on an application by a relevant enforcer that there is electronic material referred to in the notice under paragraph 1(2) a copy of which—
- (a) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),
 - (b) is reasonably required by a relevant enforcer for the purposes of determining whether electronic material has been published in contravention of section 41, and
 - (c) the respondent is able to provide.
- (3) An electronic material disclosure order is an order requiring the respondent to provide to a relevant enforcer, within such time as is specified in the order, a copy of such electronic material falling within sub-paragraph (2)(b) as is identified in the order.

Commencement Information

I546 Sch. 12 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I547 Sch. 12 para. 3 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(m\)](#)

Power to make copies and records

- 4 A relevant enforcer, or a person authorised by a relevant enforcer, may make copies or records of any information or material provided under this Schedule.

Commencement Information

I548 Sch. 12 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

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I549 Sch. 12 para. 4 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(m)

Authorisation to be in writing

- 5 An authorisation of a person by a relevant enforcer under this Schedule must be in writing.

Commencement Information

I550 Sch. 12 para. 5 not in force at Royal Assent, see s. 67(1)
I551 Sch. 12 para. 5 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(m)

Legal professional privilege

- 6 Nothing in this Schedule requires a person to provide anything in respect of which a claim to legal professional privilege (or in Scotland to confidentiality of communications) could be maintained in legal proceedings.

Commencement Information

I552 Sch. 12 para. 6 not in force at Royal Assent, see s. 67(1)
I553 Sch. 12 para. 6 in force at 1.11.2023 by S.I. 2023/1145, reg. 3(m)

Admissibility of information

- 7 (1) Information provided by a person (“P”) in compliance with a requirement imposed under this Schedule is admissible in evidence in any proceedings (as long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question).
- (2) But in criminal proceedings in which P is charged with an offence other than one to which sub-paragraph (3) applies or in proceedings within sub-paragraph (4) to which both the Commission and P are parties—
- (a) no evidence relating to the information is admissible against P, and
 - (b) no question relating to the information may be asked on behalf of the prosecution or (as the case may be) the Commission in cross-examination of P,
- unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of P.
- (3) This sub-paragraph applies to—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
 - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
 - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).
- (4) Proceedings are within this sub-paragraph if they arise out of the exercise by the Commission of any of their powers under Schedule 19C to PPERA.

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Commencement Information

I554 Sch. 12 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

I555 Sch. 12 para. 7 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(m\)](#)

Application of restrictions on disclosure

- 8 (1) A disclosure of information pursuant to a requirement under this Schedule does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (2) A duty imposed by virtue of this Schedule does not require a person to disclose information if to do so would contravene the data protection legislation (but in determining whether the disclosure would do so, the duty imposed by virtue of this Schedule is to be taken into account).
- (3) In sub-paragraph (2) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

Commencement Information

I556 Sch. 12 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

I557 Sch. 12 para. 8 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(m\)](#)

Meaning of “relevant enforcer”

- 9 In this Schedule “relevant enforcer” means the Electoral Commission or a constable.

Commencement Information

I558 Sch. 12 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

I559 Sch. 12 para. 9 in force at 1.11.2023 by [S.I. 2023/1145](#), [reg. 3\(m\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 34(6) words inserted by [2023 c. 55 Sch. 9 para. 3](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)