
STATUTORY INSTRUMENTS

2006 No. 2910

The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006

PART 1

General

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 and subject to paragraphs (2) to (4) shall come into force on 1 January 2007.

(2) The regulations specified in paragraph (3) shall not have effect in relation to any election for which the date of the poll specified in the notice of election issued in relation to that election is on or before 2 May 2007.

(3) The regulations referred to in paragraph (2) are—

- (a) regulations 24 to 30;
- (b) regulation 31(2);
- (c) regulations 36 to 41;
- (d) regulations 45 to 60; and
- (e) regulations 62 to 66.

(4) Regulation 61 shall come into force on the fourteenth day after these Regulations are made.

(5) In the following provisions of these Regulations, unless otherwise stated, any reference to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in the Representation of the People (England and Wales) Regulations 2001(1).

(6) These Regulations do not extend to Scotland or Northern Ireland.

PART 2

Registration

Amendment to interpretation regulation

2. In regulation 3(1)(2) after the definition of “candidate” insert—

““certificate of anonymous registration” means a certificate issued in pursuance of regulation 45G(3);”.

(1) [S.I. 2001/341](#), amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#) and [2006/752](#).

(2) There are amendments to regulation 3, but none are relevant.

(3) Regulation 45G is inserted by regulation 18 of these Regulations.

Repeal of offence of giving false information to registration officer

3. In regulation 23 omit paragraph (3)(b) and the “, or” preceding it.

Amendment in relation to evidence as to age and nationality

4. After regulation 24(4) insert—
 - “(4A) Paragraph (4) does not apply where the declarant has, or has applied for, an anonymous entry.”.

Reminders to persons who have an anonymous entry

5. After regulation 25 insert—

“Reminders to persons who have an anonymous entry

- 25A.**—(1) This regulation applies to each person who has an anonymous entry.
- (2) Subject to paragraph (3), the registration officer must, during the relevant period, send to a person to whom this regulation applies a reminder that—
- (a) his entitlement to registration will terminate at the end of the period of 12 months beginning with the date on which his entry in the register first took effect;
 - (b) if he wishes to remain entered in the register after that period, he must make a fresh application for registration in accordance with the requirements prescribed for the purposes of section 10A(1)(a) of the 1983 Act(4);
 - (c) if he wishes to remain entered in the register anonymously, the application for registration must be accompanied by a fresh application for an anonymous entry.
- (3) Paragraph (2) does not apply where the registration officer has already received from that person a fresh application for registration made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) which is accompanied by a fresh application for an anonymous entry.
- (4) In this regulation, “the relevant period” must be construed in accordance with regulation 25(3)(a)(5).”.

Amendments to procedure for applications for registration

- 6.—(1) Regulation 26(6) is amended as follows.
 - (2) In paragraph (1)(g) after “applicant” insert “whose application is not accompanied by an application for an anonymous entry and”.
 - (3) After paragraph (1)(h) insert—
 - “(i) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.”.
 - (4) After paragraph (9) insert—
 - “(10) Paragraphs (6) to (9) do not apply to an application for registration which is accompanied by an application for an anonymous entry.”.

(4) 1983 c. 2; section 10A was substituted together with section 10 for section 10 as originally enacted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(5) Regulation 25(3)(a) was inserted by the Service Voters’ Registration Period Order 2006 S.I. 2006/XXXX.

(6) Relevant amending instruments are S.I. 2002/187 and 2006/752.

Amendments to procedure for making objections to registration

- 7.—(1) Regulation 27 is amended as follows.
- (2) In paragraph (1)(b) at the beginning insert “in the case of an objection made before that person is entered in the register,”.
- (3) After paragraph (1)(b) insert—
- “(ba) in the case of an objection made after that person is entered in the register, the electoral number and qualifying address of that person contained in the register;”.

Applications for registration accompanied by applications for anonymous entry not available for public inspection

- 8.—(1) Regulation 28 is amended as follows.
- (2) The existing text of regulation 28 becomes paragraph (1).
- (3) After paragraph (1) insert—
- “(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.”.

Amendments to procedure for determining applications for registration and objections without a hearing

- 9.—(1) Regulation 29 is amended as follows.
- (2) In paragraph (1) for “and 31” substitute “to 31A”.
- (3) For paragraph (2) substitute—
- “(2) The registration officer must keep separate lists of—
- (a) applications for registration;
- (b) objections made before the person against whom the objection is made is entered in the register;
- (c) objections made after the person against whom the objection is made is entered in the register.
- (2A) On receipt of an application the registration officer must enter the name of the applicant and the address claimed as his qualifying address in the list he keeps in pursuance of paragraph (2)(a).
- (2B) Paragraph (2A) does not apply to an application accompanied by an application for an anonymous entry.
- (2C) On receipt of an objection made before the person against whom the objection is made is entered in the register, the registration officer must enter—
- (a) in the list he keeps in pursuance of paragraph (2)(b), the name and qualifying address of the objector together with the particulars referred to in paragraph (2A), and
- (b) in the list he keeps in pursuance of paragraph (2)(a), the particulars of the objection.
- (2D) On receipt of any other objection, the registration officer must enter the name and qualifying address of the objector together with the particulars referred to in paragraph (2A) in the list he keeps in pursuance of paragraph (2)(c).”.
- (4) At the beginning of paragraph (4) insert “Subject to paragraph (4A),”.

(5) In paragraph (4) for “five days of” substitute “the period of five days beginning with the day following”.

(6) After paragraph (4) insert—

“(4A) In the case of an application for registration accompanied by an application for an anonymous entry, the registration officer may allow the former application without a hearing at any time.”.

(7) In paragraph (5) omit the words from “or the objection” to “has expired”.

(8) After paragraph (5) insert—

“(5A) The registration officer may disallow an objection without a hearing if he is of the opinion that the objection is clearly without merit.

(5B) Where the registration officer disallows an objection under paragraph (5A), he must send to the objector a notice stating that the application has been disallowed on that basis and the grounds for his opinion.

(5C) An objector may require the objection to be heard by giving notice to the registration officer within three days from the date of the notice given under paragraph (5B).

(5D) A notification under paragraph (5C) is not to prevent the application to which the objection relates from being allowed.”.

(9) After paragraph (7) insert—

“(8) In this regulation, “qualifying address” includes the address specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(7).”.

Objections relating to applications that have been allowed, but before alterations to register have taken effect

10. After regulation 31 insert—

“Objections relating to applications that have been allowed, but before alterations to register have taken effect

31A.—(1) This regulation applies where—

(a) an application for registration has been allowed (whether without or following a hearing), and

(b) either—

(i) an objection is later made to that application, or

(ii) an objector whose objection in respect of that application has been disallowed in pursuance of regulation 29(5A) notifies the registration officer, in accordance with regulation 29(5C), that he requires the objection to be heard, and

(c) no alteration to the register has yet taken effect in respect of that application by virtue of section 13(5), 13A(2) or 13B(3) of the 1983 Act(8).

(2) Where the registration officer—

(a) is able to determine the objection before the alteration to the register is due to take effect, and

(7) 1985 c. 50; section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c. 2).

(8) 1983 c. 2; sections 13, 13A and 13B were substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2); section 13B(2), which relates to the operation of subsection (3) of that section was substituted by section 11(3) of the Electoral Administration Act 2006 (c. 22).

- (b) allows the objection,
the application is to be treated as if it had been disallowed.
- (3) Where the registration officer is not able to determine the objection before the alteration to the register is due to take effect, the objection is to be treated as if it was made after the person against whom it is made is entered in the register.
- (4) Where paragraph (3) applies, the registration officer must transfer the entry relating to the objection from the list he keeps in pursuance of paragraph (2)(b) of regulation 29 to the list he keeps in pursuance of paragraph (2)(c) of that regulation.”.

Procedure for other determinations by registration officer of entitlement to registration

11. After regulation 31A insert—

“Other determinations by registration officer of entitlement to registration

31B.—(1) A registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 31C to 31F.

- (2) The functions specified in this paragraph are—
- (a) determining, under the following provisions, whether a person was entitled to be registered—
- (i) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), and 15(2)(aa) of the 1983 Act,**(9)** and
 - (ii) section 2(2)(aa) of the 1985 Act**(10)**;
- (b) determining under section 10A(5)(b) of the 1983 Act**(11)** whether a person—
- (i) was entitled to be registered;
 - (ii) has ceased to be resident at the address in respect of which he is entered in the register or otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.**(12)**

Summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration

31C.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 31B(2)(b)(ii) without following the procedure set out in regulations 31D to 31F.

- (2) The circumstances specified in this paragraph are where the registration officer—
- (a) has received an application under regulation 26**(13)** which includes a statement to which paragraph (1)(c) of that regulation refers;
- (b) has received a notice under regulation 37;

(9) 1983 c. 2. Section 7 was substituted, and sections 7A and 7C were inserted by, respectively, sections 4, 5 and 6 of the Representation of the People Act 2000 (c. 2). Section 15(2) was substituted by paragraph 8(2) of Schedule 1 to that Act. Sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa) and 15(2)(aa) were inserted by, respectively, section 12(1), (2), (3) and (7) of the Electoral Administration Act 2006 (c. 22).

(10) 1985 c. 50; section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c. 2); subsection (2)(aa) was inserted by section 12(9) of the Electoral Administration Act 2006 (c. 22).

(11) 1983 c. 2; section 10A was substituted together with section 10 for section 10 as originally enacted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2); subsection (5)(b) was substituted by section 12(5)(b) of the Electoral Administration Act 2006 (c. 22).

(12) 1983 c. 2; section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2).

(13) Amended by S.I. 2002/1871; there are other amending instruments but none is relevant.

- (c) has been given information by the elector that he has ceased to reside at the address in question or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;
- (d) has been notified by a relative or executor of the elector or by the registrar of births and deaths that the elector has died.

(3) In paragraph (2)—

“elector” means a person who is duly entered in a register in respect of an address;

“relative” means a spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Procedure for reviewing entitlement to registration

31D.—(1) A registration officer may, for the purposes of making a determination of the nature specified in regulation 31B(2), conduct a review in respect of a person entered in the register.

(2) Where the registration officer is not satisfied that the subject of the review is entitled to be registered, he must—

- (a) send to that person such notice, of a kind specified in paragraph (4), as he considers appropriate, and
- (b) enter the review in the list kept in pursuance of regulation 31E.

(3) Paragraph (2)(b) does not apply where the subject of a review has an anonymous entry.

(4) A notice is specified for the purposes of this paragraph if it—

- (a) states that the registration officer is of the opinion that the subject of the review is not entitled to be registered and the grounds for his opinion,
- (b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice or requires him to make a declaration under regulation 24 or both, or
- (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

(5) Where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(a), and
- (b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(6) Paragraph (7) applies where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (4)(b), and
- (b) that person does not respond to the registration officer’s satisfaction, or at all, within the period of 28 days beginning with the date of that notice.

(7) The registration officer may send a notice to the subject of the review which states that he is not satisfied that that person is entitled to be registered, and the grounds for his opinion.

(8) Where—

- (a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (7), and
- (b) the subject of the review does not, within the period of 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.

(9) In making a determination under paragraph (5) or (8), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

(10) In this regulation and regulations 31E and 31F—

“review” must be construed in accordance with paragraph (1);

“the subject of the review” means the person in respect of whom the review is conducted.

List of reviews

31E.—(1) The registration officer must keep a list of reviews.

(2) The list must contain, in relation to each review, the following particulars—

- (a) the full name of the subject of the review,
- (b) his electoral number,
- (c) his qualifying address, and
- (d) the reason for the review.

(3) The list must be made available for inspection at the registration officer’s office.

(4) This regulation does not apply to any review where the subject of the review has an anonymous entry.

Hearings of reviews

31F.—(1) Where the registration officer determines that a hearing of the review should be conducted, the notice given under regulation 31D(4)(c) must also state the time and place at which he proposes to hear the review.

(2) Where the subject of the review requires the review to be heard, the registration officer must send to that person a notice stating the time and place at which he proposes to hear the review.

(3) The time fixed for the hearing must not be earlier than the third day after the date of the notice in which that time is stated.

(4) The persons entitled to appear and be heard are—

- (a) the subject of the review;
- (b) any other person who appears to the registration officer to be interested.

(5) Paragraphs (2) to (4) of regulation 31 apply to the hearing of a review as they apply to the hearing of an application for registration or objection.

(6) The registration officer may determine that the subject of the review was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration

set out in section 4 of the 1983 Act, despite the failure of that person (or any other person entitled to appear and be heard) to attend.

(7) In making a determination under paragraph (6), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.”.

Anonymous registration: procedure

12. After regulation 31F insert—

“Anonymous registration: applications and declarations

31G.—(1) An application for an anonymous entry must state—

- (a) the applicant’s full name,
- (b) the address given in accordance with regulation 26(1)(b),
- (c) the reason for the application, and
- (d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by evidence of the nature prescribed in regulation 31I or 31J.

(4) Where the evidence mentioned in paragraph (3) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) are true,
- (b) so far as he is aware, the evidence provided in pursuance of paragraph (3) is genuine, and
- (c) where paragraph (4) applies—
 - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
 - (ii) so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

Anonymous registration: determination of applications by registration officer

31H.—(1) Paragraph (2) applies where—

- (a) the registration officer determines that the applicant for an anonymous entry is entitled to be registered, and
- (b) the application for an anonymous entry is made in accordance with regulation 31G(1), (2) and (5).

(2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where he is satisfied—

- (a) that the evidence provided in support of the application in pursuance of regulation 31G(3) constitutes evidence of the nature prescribed in regulation 31I or 31J, and
- (b) in the case of an application where regulation 31G(4) applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

Anonymous registration: evidence consisting of relevant court orders or injunctions

31I.—(1) Evidence which meets the following conditions is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

- (a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(14);
- (b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997(15);
- (c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997(16);
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997(17);
- (e) a non-harassment order made under section 8(5)(b)(ii) of the Protection from Harassment Act 1997;
- (f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(18);
- (g) a non-molestation order made under section 42(2) of the Family Law Act 1996(19).

(4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—

- (a) the applicant for an anonymous entry, or
- (b) another person of the same household as him.

(5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

Anonymous registration: evidence by attestation

31J.—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulations 31G(3) and 31H(2)(a).

(2) The attestation must—

(14) 1997 c. 40; section 3(1) was amended by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(4).
(15) 1997 c. 40; section 3A was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(5).
(16) 1997 c. 40; section 5 was amended by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(6) and the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 12(1) to (4), Schedule 10, paragraph 43, Schedule 11.
(17) 1997 c. 40; section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).
(18) 1995 c. 46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c. 40).
(19) 1996 c. 27; section 42 was amended by paragraph 36 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c. 28) and by paragraph 9 of Schedule 9 to the Civil Partnership Act 2004 (c. 33).

- (a) certify that the safety of the applicant, or of another named person of the same household as him, would be at risk if the register contained the name of the applicant or his qualifying address,
 - (b) state the date on which it is made, and
 - (c) be in writing and signed by a qualifying officer.
- (3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.
- (4) Qualifying officer means—
- (a) the chief officer of police of any police force in England and Wales;
 - (b) the chief constable of any police force in Scotland;
 - (c) the Chief Constable of the Police Service of Northern Ireland;
 - (d) the Director General of the Security Service;
 - (e) the Director General of the Serious Organised Crime Agency;
 - (f) in England, any director of adult social services within the meaning of section 6(A1) of the Local Authority Social Services Act 1970⁽²⁰⁾;
 - (g) in England, any director of children’s services within the meaning of section 18 of the Children Act 2004⁽²¹⁾;
 - (h) in Wales, any director of social services within the meaning of section 6(1) of the Local Authority Social Services Act 1970⁽²²⁾.”.

Amendment to registration appeals

13. For regulation 32(1) substitute—

- “(1) This regulation makes provision in connection with the right of appeal—
- (a) under section 56(1)(a) of the 1983 Act⁽²³⁾, from the decision of a registration officer regarding an application for registration;
 - (b) under section 56(1)(aa) of the 1983 Act⁽²⁴⁾, from the decision of a registration officer made in accordance with regulations 31C to 31F⁽²⁵⁾ that a person was not entitled to be registered or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act;
 - (c) under section 56(1)(ab) of the 1983 Act⁽²⁶⁾, from a determination of the registration officer under section 9B(2) of the 1983 Act⁽²⁷⁾, made in accordance with regulation 31H.”.

Revocation of circumstances prescribed under section 10A(5)(b) of the 1983 Act

14.—(1) Omit regulation 33.

(2) For regulation 34(2)(c) substitute—

⁽²⁰⁾ 1970 c. 42; inserted by paragraph 2(2)(a) of Schedule 2 to the Children Act 2004 (c. 42). See the transitional provision made in regulation 67 of these Regulations.

⁽²¹⁾ 2004 c. 31.

⁽²²⁾ 1970 c. 42; as amended by paragraph 2(2)(b) of Schedule 2 to the Children Act 2004 (c. 42), the amendment not yet being in force.

⁽²³⁾ 1983 c. 2; subsection (1)(a) was amended by paragraph 14(1) and (2) of Schedule 1 to the Representation of the People Act 2000 (c. 2).

⁽²⁴⁾ 1983 c. 2; subsection (1)(aa) was inserted by section 12(8) of the Electoral Administration Act 2006 (c. 22).

⁽²⁵⁾ Inserted by regulation 11 of these Regulations.

⁽²⁶⁾ 1983 c. 2; subsection (1)(ab) was inserted by paragraph 8 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

⁽²⁷⁾ 1983 c. 2; section 9B was inserted by section 10 of the Electoral Administration Act 2006 (c. 22).

- “(c) that person was registered at that address otherwise than in pursuance of—
- (i) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act, or
 - (ii) a declaration of local connection, a service declaration or an overseas elector’s declaration.”.
- (3) In regulation 36(2)(b)(28) for “regulation 33(2)(e)” substitute “regulation 31C(2)(d)”.

Anonymous entries

15. After regulation 41 insert—

“Anonymous entries

- 41A.**—(1) An anonymous entry of a person consists of that person’s electoral number together with the letter “N”.
- (2) The entry is to be entered in the register—
- (a) at the end of the part of the register which relates to the qualifying address of the person entitled to the entry,
 - (b) under the heading of “Other electors” as mentioned in regulation 41(3)(b), and
 - (c) following the names grouped together under that heading in pursuance of that regulation.”.

Amendments to references to names

16. In regulations 42, 62 and 111(7)(29), wherever it occurs, for “name” substitute “entry”.

Information about register: anonymous entries

- 17.—(1) In regulation 44(1) after “paragraphs (2) to (4)” insert “and (6)”.
- (2) After regulation 44(5) insert—
- “(6) The document referred to in paragraph (1) shall state the total number of electors who have an anonymous entry.”.

Record of anonymous entries and certificates of anonymous entry

18. After regulation 45, insert—

“Record of anonymous entries

- 45A.**—(1) The registration officer must keep a record of anonymous entries.
- (2) The registration officer must enter in the record each person who is entered in the register with an anonymous entry.
- (3) The entry in the record must contain the following particulars—
- (a) the full name of the person to whom the entry relates;
 - (b) his electoral number;
 - (c) his qualifying address;

(28) Amended by [S.I. 2002/1871](#).

(29) Regulation 111 was inserted by [S.I. 2002/1871](#) and amended by [S.I. 2006/752](#)

- (d) where he has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;
- (e) the date on which the anonymous entry in the register took effect.

(4) Where the application of a person with an anonymous entry to vote by post is granted, the registration officer must also enter in the record the address to which the postal ballot paper should be sent as given in the application (in accordance with regulation 51(2)(d)(30)).

Duties of registration officer and his staff in relation to record of anonymous entries

45B.—(1) This regulation applies to—

- (a) the registration officer,
- (b) any deputy registration officer, and
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist such officer in his registration duties.

(2) Where the registration officer is also the returning officer or acting returning officer at any election or counting officer at any referendum (and in consequence has access to the record of anonymous entries without being supplied with a copy of it), this regulation applies to—

- (a) the registration officer acting in that other capacity,
- (b) any deputy returning officer, deputy acting returning officer or deputy counting officer, and
- (c) any person appointed to assist any person mentioned in sub-paragraph (a) or (b) or who in the course of his employment is assigned to assist any such officer in his duties in respect of the election or referendum in question.

(3) No person to whom this regulation applies may—

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

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record.

(6) In this regulation and regulation 45C—

“counting officer” means the counting officer at a referendum held by or under any Act;

“enactment” has the same meaning as in section 17(2) of the 2000 Act(31).

Supply of record of anonymous entries to returning and counting officers

45C.—(1) Paragraph (2) applies whenever the registration officer supplies a copy of the full register, or any part of it, to a returning officer or counting officer.

(30) Amended by S.I. 2006/752.

(31) The reference is to the Representation of the People Act 2000 (c. 2).

- (2) The registration officer must supply—
 - (a) together with the copy of the register, a copy of the record of anonymous entries;
 - (b) together with any part of the register, a copy of the record so far as it relates to that part.
- (3) A registration officer may supply a copy of the record to a returning officer or counting officer at any other time.
- (4) No person to whom a copy of the record has been supplied under this regulation may—
 - (a) supply a copy of the record,
 - (b) disclose any information contained in it, or
 - (c) make use of any such information,other than for the purposes of an election or referendum (as the case may be).
- (5) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Supply of record of anonymous entries in connection with summoning of juries

45D.—(1) Paragraph (2) applies to any person to whom a copy of the full register has been supplied or to whom information contained in it has been disclosed for the purpose of summoning juries, other than a designated officer within the meaning of section 3(1) of the Juries Act 1974.**(32)**

(2) The registration officer must at the request in writing of a person to whom this paragraph applies supply to that person a copy of the record of anonymous entries.

- (3) Paragraphs (4) and (5) apply to—
 - (a) each person who has been supplied with a copy of the record of anonymous entries in accordance with section 3(1A) of the Juries Act 1974**(33)**;
 - (b) each person who has been supplied with a copy of the record in accordance with paragraph (2).

- (4) No person to whom this paragraph applies may—
 - (a) supply a copy of the record,
 - (b) disclose any information contained in it, or
 - (c) make use of any such information,

other than for the purpose of summoning juries.

(5) The persons to whom this paragraph applies must take proper precautions for the safe custody of the record.

Supply of record of anonymous entries to the security services

45E.—(1) This regulation applies where the registration officer supplies a copy of the full register to—

- (a) the Security Service;
- (b) the Government Communications Headquarters;

(32) 1974 c. 23; as amended by paragraph 17 of Schedule 8 to the Representation of the People Act 1983 (c. 2) and paragraph 44 of Schedule 15 to the Criminal Justice Act 1988 (c. 33).

(33) 1974 c. 23; subsection (1A) was inserted by paragraph 1 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(c) the Secret Intelligence Service.

(2) The registration officer must supply a copy of the record of anonymous entries together with the register.

(3) No person serving as an officer or employee in the organisations mentioned in paragraph (1) may—

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

otherwise than for purposes connected with the carrying out of any of their statutory functions.

(4) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Supply of the record of anonymous entries to police forces and other organisations

45F.—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to—

- (a) any police force in Great Britain,
- (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland (Reserve),
- (c) the Police Information Technology Organisation,
- (d) any body of constables established under an Act, or
- (e) the Serious Organised Crime Agency.

(2) Senior officer means—

- (a) in the case of the forces and organisations mentioned in paragraph (1)(a) to (d), an officer of a rank senior to that of superintendent;
- (b) in the case of the Serious Organised Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may—

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

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in England and Wales or elsewhere);
- (b) the vetting of a relevant person for the purpose of safeguarding national security.

(5) Relevant person means—

- (a) a constable or officer or prospective constable or officer of the force or organisation;
- (b) an employee of, or applicant for employment by, the force or organisation.

(6) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Certificate of anonymous registration

45G.—(1) Where a registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate for anonymous registration must state—

- (a) the name of the area for which the registration officer acts;
- (b) the name, electoral number and qualifying address of the person who has the anonymous entry;
- (c) the date on which the anonymous entry took effect;
- (d) that unless a fresh application for an anonymous entry is made, the entitlement to remain registered anonymously will terminate no later than at the end of the period of 12 months beginning with the date stated in accordance with sub-paragraph (c).

Certificate of anonymous registration prescribed for purposes of paragraph 10(2) of Schedule 2A

45H. The evidence prescribed for the purposes of paragraph 10(2) of Schedule 2A to the 1983 Act⁽³⁴⁾ is a certificate of anonymous registration.”.

Anonymous registration: amendments to regulation 51B

19.—(1) Regulation 51B⁽³⁵⁾ is amended as follows.

(2) The existing text of the regulation becomes paragraph (1).

(3) After paragraph (1) insert—

“(2) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.”.

Anonymous registration: amendment to additional requirements for applications for proxy vote in respect of a particular election

20. After regulation 55(1)⁽³⁶⁾ insert—

“(1A) Paragraph (1) does not apply where the applicant has an anonymous entry.”.

Anonymous registration: amendments to procedure on issue of postal ballot papers

21.—(1) Regulation 72⁽³⁷⁾ is amended as follows.

(2) In paragraph (7) insert at the beginning “Subject to paragraph (8),”.

(3) After paragraph (7) insert—

“(8) Where a person has an anonymous entry in the register, the items specified in paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4⁽³⁸⁾, or

⁽³⁴⁾ 1983 c. 2; Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraph 10(2) of Schedule 2A was inserted by paragraph 16 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

⁽³⁵⁾ Regulation 51B was inserted by S.I. 2006/752.

⁽³⁶⁾ Regulation 55 was substituted by S.I. 2006/752.

⁽³⁷⁾ Regulation 72 was amended by S.I. 2002/1871 and 2006/752.

⁽³⁸⁾ The reference is to Schedule 4 to the Representation of the People Act 2000 (c. 2).

- (b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b) of Schedule 4(39).”.

Anonymous registration: amendments relating to list of spoilt postal ballot papers and list of lost postal ballot papers

22. At the end of regulations 77(8)(a)(40) and 78(4)(a)(41) insert “(or, in the case of an elector who has an anonymous entry, his electoral number alone)”.

Anonymous registration: amendment relating to edited version of the register

23. After regulation 93(2)(42) insert—

“(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.”.

PART 3

Alteration of Registers

Representations regarding clerical errors

- 24.**—(1) In regulation 5, after “notice” insert “, representation”.
- (2) In regulation 6, after “notice” insert “, representation”.
- (3) In regulation 7(5)(b), after “13B(3)” insert “, (3B) or (3D)”.
- (4) After regulation 32 insert the following.

“Representations regarding clerical errors

32A.—(1) For the purposes of section 13B(3C) of the 1983 Act a representation may be made orally or in writing.

(2) Where a representation is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the relevant registration officer.”.

Amendment of regulation 36

- 25.**—(1) Regulation 36 is amended as follows.
- (2) In paragraph (2) after “13B(3)” insert “, (3B) or (3D)”
- (3) After paragraph (2) insert—
- “(3) For the purposes of section 13B(3A) and (3C) of the 1983 Act the prescribed time on the day of the poll is 9pm.”.

Communication of notices made on polling day

26. After regulation 36 insert the following—

(39) The reference is to Schedule 4 to the Representation of the People Act 2000 (c. 2); paragraph 4(1)(b) was amended by section 14(2)(a) of the Electoral Administration Act 2006 (c. 22).

(40) Regulation 77 was amended by S.I. 2006/752.

(41) Regulation 78 was amended by S.I. 2006/752.

(42) Regulation 93(2) was inserted by S.I. 2002/1871.

“Communication of notices made on polling day

36A.—(1) Where a notice is issued under section 13B(3B) or (3D) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the relevant presiding officer.

(2) Such steps may include communicating the notice to the presiding officer by telephone.

(3) Where a notice issued under section 13B(3B) or (3D) of the 1983 Act is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.”

Amendment of regulation 92

27. In regulation 92(1)(b) after “13B(3)” insert “, (3B) or (3D)”.

Amendment of regulations 98, 99, 100, 101, 102, 109A, 111 and 112

28. In regulations 98, 99, 100, 101, 102, 109A, 111 and 112 after “13B(3)” insert “, (3B) or (3D)”.

PART 4

Replacement of Counterfoils

Forms of Corresponding Number List

29.—(1) After regulation 63 (certificate of employment at a parliamentary election) insert—

“Corresponding number lists

63A.—(1) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act shall be in Form L1.

(2) The form of the corresponding number list to be prepared by a returning officer for the purposes of rules 29(3)(e), 37(1)(b) and 37(1)(d) of the rules in Schedule 1 to the 1983 Act shall be in Form L2.

(3) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985(43) or sections 44(2) or 44(6) of the Local Government Act 2000(44) shall be in Form M1.

(4) The form of the corresponding number list to be prepared by a returning officer for the purposes of rules 29(3)(e), 37(1)(b), and 37(1)(d) of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985 or sections 44(2) or 44(6) of the Local Government Act 2000 shall be in Form M2.”

(2) In Schedule 3, in the Arrangement of Forms, after the entry relating to Form K insert—

“Form L1 Corresponding Number List for use at parliamentary election taken alone

(43) 1985 c.50; section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58) and by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c. 26).

(44) 2000 c. 22; sections 44 and 45 were amended by paragraph 18 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

Form L2	Corresponding Number List for use in polling station at parliamentary election taken alone
Form M1	Corresponding Number List for use when parliamentary election combined with a relevant election or referendum
Form M2	Corresponding Number List for use in polling station when parliamentary election combined with a relevant election or referendum”

(3) After Form K in Schedule 3, insert Forms L1, L2, M1 and M2 as set out in Schedule 2 to these Regulations.

Replacement of counterfoils by corresponding number lists

30.—(1) In regulation 72(45) omit paragraph (1) and for “counterfoil attached to the ballot paper” in paragraph (2) substitute “corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector”.

(2) In regulation 75, in the heading and in paragraph (1), for the word “counterfoils” substitute “completed corresponding number lists”.

PART 5

Absent Voting: Personal Identifiers

Absent voting: interpretation

31.—(1) In regulation 50 after the definition of “Schedule 4”, delete “and” and insert—
“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post;”.

(2) In regulation 64 for the definition of “valid declaration of identity” substitute—
“valid postal voting statement” means a postal voting statement which, in accordance with regulation 85 or 85A(46), the returning officer is satisfied has been duly completed.”

Amendment of regulation 51

32.—(1) Regulation 51(47) is amended as follows.

(2) In paragraph (2)(d), omit “and”.

(3) After paragraph (2)(e) insert—

“(f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under paragraph 3, 4 or 7 of Schedule 4 to provide a signature and the name and address of any person who has assisted him to complete his application, and

(g) where the applicant has, or has applied for, an anonymous entry, that fact.”

(4) For paragraph (3) substitute—

“(3) The application shall be made in writing and shall be dated.

(45) Regulation 72 was amended by [S.I. 2002/1871](#) and [2006/752](#).

(46) Regulation 85A is inserted by regulation 39 of these Regulations.

(47) Regulation 51(2) was amended by [S.I. 2006/752](#).

(3A) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into his record by configuring the information as follows—

- (a) the signature shall appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant’s date of birth shall be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(3B) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (a) of paragraph (3A) shall not apply.”.

Signatures

33. For regulation 51A(48) substitute—

“51A. The registration officer may satisfy himself—

- (a) that an application under Schedule 4 meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—
 - (i) previously provided by the applicant to the registration officer or the returning officer; or
 - (ii) previously provided by the applicant to the authority referred to in regulation 35(2)(a), which the registration officer is authorised to inspect for the purposes of his registration duties; and
- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.”.

Requirement to provide fresh signatures at five yearly intervals

34. After regulation 60(49), insert—

“Requirement to provide fresh signatures at five yearly intervals

60A.—(1) The registration officer shall every year by 31 January send every person who remains an absent voter and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature, and
- (b) informing him of the date (six weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.

(2) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

- (4) Where a notice or copy of a notice is sent by post, the registration officer may use—
 - (a) a universal postal service provider; or

(48) Regulation 51A was inserted by [S.I. 2006/752](#).

(49) Regulation 60(2) was amended by [S.I. 2006/752](#).

(b) a commercial delivery firm,
and postage shall be prepaid.

(5) A notice or copy of a notice sent to an absent voter in accordance with paragraph (1) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.

(6) Upon the expiration of the period specified in the notice sent to the absent voter the registration officer shall determine whether the absent voter has failed or refused to provide a fresh signature.

(7) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature within the specified period, he must remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule.

(8) Where a registration officer removes an absent voter's entry in the circumstances to which paragraph (7) refers—

- (a) the registration officer shall inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 of Schedule 4);
- (b) regulation 57(4) and regulation 58 shall apply as if the registration officer were refusing an application under Schedule 4; and
- (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.

(9) The registration officer shall include in the notice to be sent to an absent voter regarding their removal from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule, information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he may make a fresh application under Schedule 4 to vote by post or by proxy (as the case may be).".

The personal identifiers record

35. After regulation 61A(50) insert—

“The personal identifiers record

61B.—(1) The registration officer shall maintain a record (“the personal identifiers record”), apart from the other records and lists which he is required to keep under Schedule 4, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4)(a) or (b) of Schedule 4 were granted, until the expiry of twelve months from—

- (a) the date on which a person is removed from the record kept pursuant to paragraph 3(4) or 7(6) of Schedule 4; or
- (b) the date of the poll for the purposes of which the person's application for an absent vote was granted under paragraph 4(1) or (2) or 7(4)(b) of Schedule 4.

- (2) The personal identifiers record shall contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—
- (a) his name;
 - (b) his date of birth; and
 - (c) his signature, or a record of the waiver by the registration officer of the requirement for a signature;
- (3) The registration officer may disclose information held in the personal identifiers records to—
- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in regulation 85;
 - (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000⁽⁵¹⁾, but only to the extent required to permit them to observe the proceedings.”.

Postal ballot boxes and receptacles

36. In regulation 81(5) remove the “and” preceding sub-paragraph (d) and after sub-paragraph (d) insert—

- “(e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).”.

Amendment of regulation 84

37.—(1) Regulation 84 is amended as follows

(2) For paragraph (1) substitute—

“(1) When a postal voters’ ballot box is opened, the returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in regulation 82(2)(above).

(1A) He shall set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(1B) He shall open separately each covering envelope (including an envelope described in regulation 82(2) above).”.

(3) In paragraph (2) for “The procedure in regulation 85 below applies” substitute “The procedures in regulation 85 or 85A apply”.

Amendment of regulation 85

38. In regulation 85⁽⁵²⁾, for paragraph (1) substitute—

“(1) This regulation applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with regulation 84(1A) or (5)⁽⁵³⁾.

(1A) The returning officer must satisfy himself that the postal voting statement is duly completed.”.

⁽⁵¹⁾ 2000 c. 41; sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

⁽⁵²⁾ Regulation 85 was amended by S.I. 2002/1871.

⁽⁵³⁾ Paragraph (5) of regulation 85 is inserted by regulation 51 of these Regulations.

Procedure in relation to postal voting statements: personal identifier verification

39. After regulation 85 insert the following—

“Procedure in relation to postal voting statements: personal identifier verification

85A.—(1) This regulation applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with regulation 84(1A) or (5).

(2) The returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the returning officer shall open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under regulation 84(3) or paragraph (6) above.

(8) In the circumstances described in paragraph (7) above, the returning officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—
 - (i) there is no ballot paper, or
 - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;

- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c) above.

Postal Voting Statements: additional personal identifier verification

85B.—(1) A returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with regulation 83 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected” and before placing the postal voting statement in the receptacle for rejected votes (verification procedure), he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the returning officer must lock and reseal the postal ballot box in the presence of the agents.

(5) Whilst retrieving a ballot paper in accordance with paragraph (3), the returning officer and his staff—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.”.

Sealing of receptacles

40. In regulation 89(1) omit the “and” preceding sub-paragraph (d) and after sub-paragraph (d) insert—

- “(e) the receptacle of rejected votes (verification procedure), and
- (f) the receptacle of postal voting statements (verification procedure),”.

Form K

41. In Schedule 3 for Form K substitute the new Form K as set out in Schedule 2 to these Regulations.

PART 6

Absent Voting: Proxy Applications

Persons who may attest applications for a proxy vote

42.—(1) Regulation 53(**54**) is amended as follows.

(2) In the heading to regulation 53, for the words “physical incapacity or blindness” substitute “blindness or any other disability”.

(3) In paragraph (1) for “the physical incapacity” substitute “the disability”.

(4) For paragraphs (2), (3) and (4) substitute—

“(2) Subject to paragraph (3) below, such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(**55**) by virtue of qualifications in nursing;
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(**56**);
- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989(**57**);
- (e) a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954(**58**);
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(**59**);
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(**60**);
- (h) a Christian Science practitioner;
- (i) a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists;
- (j) a person registered as a member of a profession to which the Health Professions Order 2001(**61**) for the time being extends;
- (k) the person carrying on a care home registered under Part 2 of the Care Standards Act 2000(**62**);
- (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
- (m) a manager within the meaning of section 145(1) of the Mental Health Act 1983(**63**), or on behalf of such a manager; or

(**54**) Regulation 53 was amended by S.I. 2001/1700, 2002/881 and 2004/1771.

(**55**) S.I. 2002/253.

(**56**) 1984 c. 24.

(**57**) 1989 c. 44.

(**58**) 1954 c. 61.

(**59**) 1993 c. 21.

(**60**) 1994 c. 17.

(**61**) S.I. 2002/254.

(**62**) 2000 c. 14.

(**63**) 1983 c. 20. The interpretation of “the managers” in section 145(1) has been amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2 Part 2, paragraph 49; S.I. 2001/2469; the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 107(14); the Health Act 1999 (c. 8), sections 41(2) and 65; the National Health Service and

- (n) a person registered in the register for social workers maintained in accordance with section 56 of the Care Standards Act 2000.
- (3) A person who qualifies—
 - (a) by virtue of any of sub-paragraphs (a) to (j) of paragraph (2) above, may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (b) by virtue of sub-paragraph (n) of paragraph (2) above, may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the person in respect of their disability.
- (4) The person attesting the application shall state—
 - (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) where the person who attests the application is a person referred to in paragraph (3)(a) above, that—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability;
 - (c) where the person who attests the application is a person referred to in paragraph (3)(b) above, that—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of that disability;
 - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.”.
- (5) In paragraph (5)(b), for the words “physical incapacity” substitute “disability”.
- (6) After paragraph (5) insert—
 - “(5A) A person who qualifies by virtue of sub-paragraph (m) of paragraph (2) above, shall, instead of the matters specified in paragraph (4)(a) above, state in the attestation—
 - (i) his name;
 - (ii) his position in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
 - (iii) that he is a person authorised to make the attestation; and

- (iv) in the case of an applicant who is liable to be detained in hospital, the statutory provision under which the applicant is liable to be so detained.”

Additional requirements for certain proxy applications for a particular election

43.—(1) Regulation 55(**64**) shall be amended as follows.

(2) In paragraph (2)(a) for “physical incapacity” substitute “disability”.

(3) In paragraph (3)—

(a) for “regulation 53(4)” substitute “regulation 53”; and

(b) for “physically incapacitated” substitute “disabled”.

(4) After paragraph (3) insert—

“(4) Where an application under paragraph 4(2) of Schedule 4 is made by a person to whom paragraph 2(5A) of that Schedule applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of paragraph (5) below as to the matters to be specified and as to attestation shall apply.

(5) Where an application mentioned in paragraph (4) above is made—

(a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and

(b) the application shall be attested by or on behalf of a manager, within the meaning of section 145(1) of the Mental Health Act 1983, of the hospital at which the applicant is liable to be detained, and the attestation shall state—

(i) the name of the person attesting the application;

(ii) his position in the hospital at which the applicant is liable to be detained;

(iii) that he is a person authorised to make the attestation; and

(iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(6) This regulation does not apply where an applicant has an anonymous entry.”

Closing date for applications

44.—(1) Regulation 56(**65**) shall be amended as follows.

(2) For paragraph (3A) substitute—

“(3A) Where an application made under paragraph 4(2) of Schedule 4 is made—

(a) on the grounds of the applicant’s disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or

(b) by a person to whom paragraph 2(5A) of that Schedule applies,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.”

(64) Regulation 55 has been amended by [S.I. 2006/752](#).

(65) Regulation 56 has been amended by [S.I. 2001/1700](#) and [2006/752](#).

PART 7

Cancellation of Postal Ballot Papers

Cancellation of postal ballot papers

45. After regulation 86 insert—

“Retrieval of cancelled postal ballot papers

86A.—(1) Where it appears to the returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters ballot box is opened in accordance with regulation 83, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulation 77(6); and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 45 of the elections rules, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the returning officer and his staff—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.”

PART 8

Official Poll Cards

Prescribed forms of official postal poll card sent to the elector or their proxy

46. For regulation 9 (Official poll card at parliamentary elections) insert—

“Official poll card and postal poll card at parliamentary elections

9.—(1) For the purposes of rule 28(3) of the rules in Schedule 1 to the 1983 Act⁽⁶⁶⁾, the following forms are hereby prescribed.

- (2) The official poll card issued to an elector shall be in Form A.
- (3) The official postal poll card issued to an elector shall be in Form A1.
- (4) The official poll card issued to the proxy of an elector shall be in Form B.
- (5) The official postal poll card issued to the proxy of an elector shall be in Form B1.”

Insertion of new official and official postal poll cards into Schedule 3

47.—(1) Schedule 3 shall be amended as follows.

(2) In the Arrangement of Forms, for the entries for Form A (Elector’s official poll card) and Form B (Proxy’s official poll card) substitute—

“Form A	Official poll card (to be sent to an elector voting in person)
Form A1	Official postal poll card (to be sent to an elector voting by post)
Form B	Official proxy poll card (to be sent to an appointed proxy voting in person)
Form B1	Official proxy postal poll card (to be sent to an appointed proxy voting by post)”

(3) For Form A substitute Form A (Official poll card) set out in Schedule 2 to these Regulations.

(4) After Form A insert Form A1 (Official postal poll card) set out in Schedule 2 to these Regulations.

(5) For Form B substitute Form B (Official proxy poll card) set out in Schedule 2 to these Regulations.

(6) After Form B insert Form B1 (Official proxy postal poll card) set out in Schedule 2 to these Regulations.

PART 9

Postal Voters List

Interpretation of Part 5

48.—(1) Regulation 64 shall be amended as follows.

- (2) Omit the definition of “absent voters list”.
- (3) Omit the definition of “list of postal proxies”.

Proxy postal voters list

49.—(1) For the words “list of postal proxies” wherever they occur in the provisions mentioned in paragraph (2) substitute “proxy postal voters list”.

- (2) The provisions mentioned in this paragraph are—
 - (a) paragraphs (3) and (5)(a) of regulation 72, and

⁽⁶⁶⁾ Rule 28(3) in Schedule 1 to the Representation of the People Act 1983 (c.2.) was amended by paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c.22.).

(b) regulation 73.

(3) In regulation 72(7)(b) for the words “special list” to the end substitute “proxy postal voters list.”

(4) In regulations 72 and 73 for “absent voters list” in each place that it occurs substitute “postal voters list”(67).

Amendments to procedure for security of special lists

50.—(1) Regulation 75 is amended as follows.

(2) For paragraph (2) substitute—

“(2) Until the time referred to in regulation 84(9), the returning officer shall take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.”

(3) Omit paragraph (3).

Amendment to procedure for the opening of covering envelopes

51. In regulation 84, after paragraph (4) insert—

“(5) Where—

(a) an envelope contains the postal voting statement of an elector with an anonymous entry, and

(b) paragraph (4) does not apply,

the returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with regulation 85A.

(6) In carrying out the procedures in this regulation and regulations 85 to 88, the returning officer—

(a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and

(b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(7) Where an envelope opened in accordance with paragraph (1B) contains a postal voting statement, the returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(8) A mark made under paragraph (7) shall be distinguishable from and shall not obscure the mark made under regulation 72(3).

(9) As soon as practicable after the last covering envelope has been opened, the returning officer shall make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with paragraph (7) and shall seal such a packet.”

Confirmation of receipt of postal voting statement

52. After regulation 84 insert—

(67) Paragraph (7) of regulation 72 was inserted by [S.I. 2002/1871](#).

“Confirming receipt of postal voting statements

84A.—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under regulation 71 and the close of the poll, that the returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the returning officer under paragraphs (2) and (3) of regulation 87.

(2) A request under paragraph (1) shall—

- (a) be made by any method specified, and
- (b) include any evidence of the voter’s identity requested,

by the returning officer.

(3) Where a request is received in accordance with paragraph (2) the returning officer shall satisfy himself that the request has been made by the elector or their proxy and where he is so satisfied provide confirmation of the matters under paragraph (1).”

Amendments to requirements for the forwarding of ballot papers

53.—(1) Regulation 91 is amended as follows.

(2) In paragraph (1) for the words “The returning officer” to “the elections rules” substitute “The returning officer shall forward to the relevant registration officer determined in accordance with rule 55(1A) of the elections rules at the same time as he forwards the documents mentioned in rule 55 of the elections rules—”.

(3) In paragraph (1)(a) after “78(2C)” insert “, 84(9)”**(68)**.

(4) Omit paragraph (2).

PART 10

Access to Absent Voter Lists

Supply and disclosure of absent voter lists

54. In regulation 7 after paragraph (5) insert—

“(6) Paragraph (1) does not apply to copies of information covered by regulation 61(1) or to any of the documents open to public inspection under regulation 118.” **(69)**

Records and lists kept under Schedule 4 to the Representation of the People Act 2000(70)

55. For regulation 61 substitute—

(68) Paragraph (1) of regulation 91, was amended by [SI 2006/752](#).

(69) Regulation 118 is inserted by regulation 59 of these Regulations.

(70) [2000 c. 2](#).

“Records and lists kept under Schedule 4

61.—(1) Any person entitled to be supplied in accordance with regulation 103, 105, 106 or 108 below with copies of the full register is also a person entitled, subject to this regulation and to regulation 61A, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps—

- (a) the current version of the information which would, in the event of a particular parliamentary or local government election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8) of Schedule 4;
- (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8) of Schedule 4(71).

(2) A request under paragraph (1) shall be made in writing and shall specify—

- (a) the information (or the relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
- (c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this regulation may use it only for the permitted purposes specified in regulation 61A, and any restrictions—

- (a) specified in that regulation, or
- (b) which would apply to the use of the full register under whichever of regulation 103, 105, 106 or 108 entitled that person to obtain that information,

shall apply to such use.

(4) The registration officer shall supply a current copy of the information requested under paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer shall supply a final copy of the postal voters list kept under paragraph 5(2) of Schedule 4, as soon as practicable after 5pm on the eleventh day before the day of the poll, in response to a request under paragraph (1) that has been duly made.

(6) As soon as practicable after 5pm on the sixth day before the day of the poll the registration officer shall—

- (a) make a copy of the lists kept under paragraphs 5 and 7(8) of Schedule 4 available for inspection at his office in accordance with paragraphs (10) to (15); and
- (b) at a parliamentary election, if he is not the acting returning officer for any constituency or part of a constituency in the area for which he is the registration officer, send to that officer a copy of those lists;
- (c) supply a final copy of the postal voters lists or the list of proxies in response to every request under paragraph (1) that has been duly made.

(7) The registration officer shall supply a final copy of the proxy voters list kept under paragraph 5(3) of Schedule 4, updated to include any additions to that list made in consequence of any applications granted in accordance with regulation 56(3A), as soon as practicable after 5pm on the day of the poll, to every person who received that list in accordance with paragraph (6)(c).

(8) Any person who has obtained or is entitled to obtain a copy of information covered by paragraph (1) may—

(71) Paragraph 5 of Schedule 4 to the Representation of the People Act 2000 (c. 2) was amended by paragraph 22 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

- (a) supply a copy of the information to a processor for the purpose of processing the information, or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) and the condition in paragraph (9) of regulation 92 shall be taken to apply to the supply and processing of information supplied under this regulation as they apply to the supply and processing of the full register under Part 6 of these Regulations.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph (1).

(11) A request under paragraph (10) shall be made in writing and shall specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

(12) The registration officer shall make a copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(13) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(14) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this regulation, imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this regulation—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date it is supplied; and
- (b) any period of days shall be calculated in accordance with regulation 56(6) and (7)(72).

(17) The registration officer shall ensure that where he supplies or discloses information covered by paragraph (1)(a) in accordance with this regulation, he does not supply or disclose any record relating to a person specified in paragraph (18).

(72) Regulation 56(6) is amended by regulation 60(2) of these Regulations.

- (18) The persons specified in this paragraph are—
- (a) a person who has an anonymous entry;
 - (b) the proxy of a person who has an anonymous entry.”.

Conditions on the use, supply and inspection of absent voter records or lists

56. After regulation 61 insert—

“Conditions on the use, supply and inspection of absent voter records or lists

61A. The restrictions on the supply, disclosure and use of the full register in regulations 94 and 96 shall apply to information covered by regulations 61(1)(a) and (b), as they apply to the full register, except that the permitted purpose shall mean either—

- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998(73); or
- (b) electoral purposes.”.

PART 11

Control of Documents Following an Election

Processing of information outside the EEA

57. In regulation 92 omit paragraph (8)(74).

Offences in respect of contravention of Part 3, Part 4 and Part 6

58. For regulation 115(75) substitute—

“Offences in respect of contravention of Part 3, Part 4 and Part 6 regulations

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

- (a) if he contravenes any of the provisions specified in paragraph (2), or
- (b) if he is an appropriate supervisor of a person (P) who fails to comply with any of those provisions and he failed to take appropriate steps.

(2) Those provisions are regulations 45C(4), 45D(4), 45E(3), 45F(3), 61(3), 61(14), 92(9), 94(3), 95(2), 96(2), 97(2), (4) and (6), 97A(4), (6) and (8), 98(9), 99(3), (5) and (7), 100(3) and (5), 101(6), 103(3), 104(3), 105(4), 106(3), 107(3) and (8), 108(5), 109(3), 109A(6), (8) and (10), 112(4) and (5) and 113(5) and (6)(76).

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

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

(73) 1998 c. 29.

(74) Part 6 including regulation 92 was inserted by S.I. 2002/1871.

(75) Part 6 including regulation 115 was inserted by S.I. 2002/1871. Regulation 115 was amended by S.I. 2006/752.

(76) Regulations 45C, 45D, 45E and 45F are inserted by regulation 18 of these Regulations. Regulation 61 is substituted by regulation 56 of these Regulations. Part 6 including regulations 92, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 112 and 113 were inserted by S.I. 2002/1871. Regulations 97A and 109A were inserted by S.I. 2006/752. Regulations 96(2), 97(2), (4) and (6), 99(3), (5) and (7), 107(3), 109(3), (8) and (10) were amended by S.I. 2006/752.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the provisions specified in paragraph (2).

(5) In paragraphs (1)(b) and (3)—

(a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;

(b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).

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

Control of documents: supply of the marked register or lists

59. After regulation 115 insert the following—

“PART 7

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation of Part 7

116.—(1) In this Part references to the “marked register or lists” means any part of the marked copies of—

- (a) the full register;
- (b) the postal voters list;
- (c) the list of proxies; and
- (d) the proxy postal voters list,

forwarded to the relevant registration officer under regulation 91 above or rule 55(1)(b) and (c) of the elections rules.

(2) For the purposes of this Part any period of days shall be calculated in accordance with regulation 56.

(3) Paragraphs (2) and (3), and the condition in paragraph (9), of regulation 92 shall be taken to apply to the supply and processing of information supplied under this Part as they apply to the supply and processing of the full register under Part 6 of these Regulations.

(4) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a relevant registration officer to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after an election

117.—(1) Any person entitled to be supplied in accordance with regulation 100, 103, 105, 106, 108, 109 or 113 above, with copies of the full register at a particular parliamentary or local government election, is also a person entitled, subject to this regulation and to

regulation 119, to request that a relevant registration officer supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from being in a category of persons covered by regulation 103, 105, 106 or 108 before a particular election, shall be entitled to request those documents regardless of whether he remains in a entitled category after that election for which the marked register or list was prepared.

(3) A request under paragraph (1) shall be made in writing and shall—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists is requested or a copy in data form,
- (c) state the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

(4) The relevant registration officer shall supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested, and
- (b) he has received payment of a fee calculated in accordance with regulation 120 below.

(5) If the relevant registration officer is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under regulation 61 or for the published copy of the full register in accordance with regulation 102, or both.

(6) A person who obtains a copy of any part of a marked register or list under this regulation may use it only for the permitted purposes specified in paragraph (2) of regulation 119, and any conditions—

- (a) specified in that paragraph, or
- (b) which would apply to the use of the full register under whichever of regulations 100, 103, 105, 106, 108, 109 or 113 entitled that person to obtain that document,

shall apply to such use.

(7) The conditions referred to in paragraph (6) apply to a person to whom the marked register or lists, or any information contained in it (that is not contained in the edited register) has been supplied or disclosed under those paragraphs as they apply to the person to whom those regulations apply.

(8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this regulation may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein, or
- (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

118.—(1) Any person is entitled to request that the relevant registration officer make available for inspection a copy of any of the following documents (referred to in this regulation and in regulation 119 as “the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the relevant registration officer is required by or under any enactment to retain for any period except—
 - (i) ballot papers
 - (ii) completed corresponding number lists;
 - (iii) certificates as to employment on the day of the election.
- (2) A request under paragraph (1) shall be made in writing and shall specify—
 - (a) which documents are requested;
 - (b) the purposes for which the information in any document will be used,
 - (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose,
 - (d) who will inspect the documents,
 - (e) the date on which they wish to inspect the documents, and
 - (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to paragraph (4), the relevant registration officer shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the relevant registration officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor—

- (a) of his decision under this paragraph, and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43.

(5) A person who obtains a copy of or information in any document open to public inspection under this regulation may use it only for the permitted purposes specified in regulation 119, and any conditions—

- (a) specified in that regulation,
- (b) specified in paragraph (7) below, or
- (c) which would apply to the use of the full register under regulation 109 where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the relevant registration officer shall ensure that the manner in, and equipment on which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(7) Subject to paragraph (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(8) The relevant registration officer shall on request, supply free of charge copies of any documents open to public inspection, to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 109 applies.

Conditions on the use, supply and disclosure of documents open to public inspection

119.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 96 shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of the information in the marked register or lists in accordance with regulation 117(1), or
- (b) a person inspects information in accordance with regulation 118(1),

the permitted purpose shall mean either—

- (i) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998; or
- (ii) electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which regulation 118(8) applies, the permitted purpose means the purposes set out in regulation 109(4).

Fees relating to the supply of marked registers and lists

120. The formula used for the purpose of calculating the fee that shall be paid to the relevant registration officer by a requestor prior to their being supplied with copies of the marked register or lists (or any relevant part those documents) under paragraph (3) of regulation 117 shall be the same as for calculation of the fee for sale of the full register and notices, set out in paragraph (5) of regulation 111.”.

PART 12

Miscellaneous Amendments and Transitional Provision

Maundy Thursday

60.—(1) In regulation 8(3) (time) omit the words “Maundy Thursday.”.

(2) In regulation 56(6) (closing date for absent voting applications) omit the words “Maundy Thursday.”.

Additional requirement for postal vote applications

61. After regulation 51A insert—

“Additional requirement for applications for ballot papers to be sent to different address from that stated in application

51AA.—(1) Paragraph (2) applies where—

- (a) in the case of an application to vote by post under paragraph 3(1) or (7) or 4(1) of Schedule 4(77), the addresses stated in accordance with regulation 51(2)(b)(78) and (d) are different;
- (b) in the case of an application by a proxy to vote by post under paragraph 7(4) of Schedule 4(79), the proxy’s address stated in accordance with regulation 51(2)(c) and the address stated in accordance with regulation 51(2)(d) are different.

(2) The application must set out why the applicant’s circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with regulation 51(2)(d).

(3) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.”

Amendments relating to requirement to make notification to absent voters

62.—(1) Regulation 57(80) is amended as follows.

(2) In paragraph (4B)—

- (a) after “paragraph 3(4)” insert “or 7(6)”;
 (b) after “shall” insert “where practicable”.

(3) In paragraph (4C) after “shall” insert “where practicable”.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers: observers

63. Regulations 67 and 68 are amended by inserting at the beginning of each regulation the words “Without prejudice to the provisions of section 6A, 6B, 6C, 6D, or 6E of the Political Parties, Elections and Referendums Act 2000(81).”.

Amendment to regulation 74

64. In regulation 74, at the beginning of paragraph (3)(c) insert “unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed.”.

Replacement of declarations of identity by postal voting statements

65. In the Representation of the People (England and Wales) Regulations 2001(82)—

- (a) for each reference to “declaration of identity”, substitute “postal voting statement”; and
- (b) in each of the following places at which there is any reference to “declaration”, substitute “statement”—

- (i) regulation 79(2),

(77) The reference is to Schedule 4 to the Representation of the People Act 2000 (c. 2). Paragraphs 3(1) and 4(1) were amended by, respectively, section 14(1)(a) and (2)(a) of the Electoral Administration Act 2006 (c. 22).

(78) Amended by S.I. 2006/752.

(79) The reference is to Schedule 4 to the Representation of the People Act 2000 (c. 2).

(80) Amended by S.I. 2006/752.

(81) 2000 c. 41; sections 6A, 6B, 6C, 6D and 6E were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

(82) S.I. 2001/341.

- (ii) paragraphs (2), (4) and (7) of regulation 85, and
- (iii) paragraphs (1) and (4) of regulation 88.

Form of Postal Voting Statement

66. In Schedule 3, for Form G, Form H and Form J substitute the Form G, Form H and Form J set out in Schedule 2 to these Regulations.

Transitional provision: regulation 31J

67.—(1) Paragraph (2) applies until paragraph 2(1) and (2) of Schedule 2 to the Children Act 2004⁽⁸³⁾ comes into force.

(2) Regulation 31J⁽⁸⁴⁾ must be read as if for sub-paragraphs (f) to (h) of paragraph (4) there were substituted—

“(f) any director of social services within the meaning of section 6(1) of the Local Authority Social Services Act 1970⁽⁸⁵⁾”.

10th November 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

⁽⁸³⁾ 2004 c. 31.

⁽⁸⁴⁾ Regulation 31J is inserted by regulation 12 of these Regulations.

⁽⁸⁵⁾ 1970 c. 42; section 6(1) was amended by paragraph 2(1) and (2)(b) of Schedule 2 to the Children Act 2004 (c. 42).