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STATUTORY INSTRUMENTS

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**2018 No. 699**

**The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018**

**PART 3**

**Amendment of other enactments (except the Representation of the People (Northern Ireland) Regulations 2008)**

**Amendment of the Electoral Law Act (Northern Ireland) 1962: preliminary proceedings and conduct of the count**

**4.** In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, in rule 45 (preliminary proceedings and conduct of the count)(**1**), in paragraph (2A)—

- (a) after “1989” insert “or paragraph 1(1ZA) or 2(1ZA) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(**2**)”,
- (b) for “section 10(4A)(a)” to the end substitute “paragraph 1(1)(bb) or (bba)(i) or 2(1)(bb) or (bba)(i) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(**3**)”.

**Amendment of the Local Elections (Northern Ireland) Order 1985: absent vote at local elections**

**5.—(1)** Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 is amended as follows.

(2) In paragraph 1 (absent vote at local elections for indefinite period)—

- (a) in sub-paragraph (1)—
  - (i) in paragraph (bb), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
  - (ii) after paragraph (bb) insert—
    - “(bba) in the case of an applicant who is or will be digitally registered, the Chief Electoral Officer is satisfied that the application—
      - (i) is signed, and
      - (ii) includes the digital registration number allocated to the applicant by the Chief Electoral Officer,”,

(b) after sub-paragraph (1) insert—

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(1) 1962 c.14; paragraph (2A) of rule 45 of Schedule 5 was inserted by [S.I. 2002/2835](#).  
(2) Paragraphs 1(1ZA) and 2(1ZA) of Part 1 of Schedule 2 are inserted by regulation 5(2)(b) and (3)(b) of these Regulations.  
(3) [S.I. 1985/454](#); paragraph 1 was substituted by [S.I. 1987/168](#) and amended by [S.I. 2002/2835](#) and [S.I. 2010/2977](#), paragraph 2 was substituted by [S.I. 1987/168](#) and amended by [S.I. 2002/2835](#) and paragraphs 1(1)(bba)(i) and 2(1)(bba)(i) of Part 1 of Schedule 2 are inserted by regulation 5(2)(a)(ii) and (3)(a)(ii) of these Regulations.

“(1ZA) In the case of an applicant who is or will be digitally registered, if the Chief Electoral Officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the Chief Electoral Officer may make a determination to that effect.”,

(c) after sub-paragraph (6) insert—

“(7) In this paragraph, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of local electors is or will be pursuant to an application submitted through the UK digital service.

(8) In this paragraph—

“digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;

“the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

(3) In paragraph 2 (absent vote at a particular local election and absent voters list)—

(a) in sub-paragraph (1)—

(i) in paragraph (bb), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,

(ii) after paragraph (bb) insert—

“(bba) in the case of an applicant who is or will be digitally registered, the Chief Electoral Officer is satisfied that the application—

(i) is signed, and

(ii) includes the digital registration number allocated to the applicant by the Chief Electoral Officer,”,

(b) after sub-paragraph (1) insert—

“(1ZA) In the case of an applicant who is or will be digitally registered, if the Chief Electoral Officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the Chief Electoral Officer may make a determination to that effect.”,

(c) after sub-paragraph (5) insert—

“(6) In this paragraph, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of local electors is or will be pursuant to an application submitted through the UK digital service.

(7) In this paragraph—

“digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;

“the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

### **Amendment of the Elected Authorities (Northern Ireland) Act 1989: application and modification of the 1983 Act**

6. In Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989(4), in Part 1 (provisions applied), in the list of provisions applied, in the entry beginning “Sections 9”—

- (a) after “10ZB,” insert “10ZF,”,
- (b) after “10A,” insert “10B,”.

### **Amendment of the Northern Ireland Assembly (Elections) Order 2001: preliminary proceedings and conduct of the count**

7. In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001(5), in the table, in the right-hand column, in the entry for rule 44B(4) (preliminary proceedings and conduct of the count)(6)—

- (a) after “1989)” insert “or paragraph 1(1ZA) of Part 1 of Schedule 2 to the 1985 Order or section 7(1ZA) of the 1985 Act”,
- (b) for “section 10(4A)(a)” to the end substitute “paragraph 1(1)(bb) or (bba)(i) of Part 1 of Schedule 2 to the 1985 Order or section 7(1)(bb) or (bba)(i) of the 1985 Act”.

### **Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016: absent signing provisions**

8.—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016(7) are amended as follows.

- (2) In regulation 39 (the count), in paragraph (6)—
  - (a) after “Act”, in the first place where it appears, insert “or regulation 52(1A) or 54(1A)”,
  - (b) for “section 10(4A)(a)” to the end substitute “regulation 52(1)(d) or (da)(i) or 54(1)(d) or (da)(i)”.
- (3) In regulation 52 (absent signing at any petition for an indefinite period: Northern Ireland)—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (a), after “applicant is” insert “or will be”,
    - (ii) in sub-paragraph (d), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
    - (iii) after sub-paragraph (d) insert—
      - “(da) in the case of an applicant who is or will be digitally registered, the registration officer is satisfied that the application—
        - (i) is signed; and
        - (ii) includes the digital registration number allocated to the applicant by that officer;”,
  - (b) after paragraph (1) insert—
    - “(1A) In the case of an applicant who is or will be digitally registered, if the registration officer is satisfied that it is not reasonably practicable for the applicant to sign in a

(4) 1989 c.3; the entry beginning “Sections 9” was substituted by paragraph 3(5) of Schedule 3 to the Representation of the People Act 2000 (c.2) and amended by section 7(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and paragraph 7(2) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).

(5) S.I. 2001/2599.

(6) Rule 44B(4) was inserted by S.I. 2009/256.

(7) S.I. 2016/295.

consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the officer may make a determination to that effect.”,

(c) after paragraph (8) insert—

“(9) In this regulation, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service.

(10) In this regulation—

“digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;

“the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service is to be construed in accordance with subsection (4) of that section.”

(4) In regulation 54 (absent signing at a particular petition: Northern Ireland)—

(a) in paragraph (1)—

(i) in sub-paragraph (d), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,

(ii) after sub-paragraph (d) insert—

“(da) in the case of an applicant who is or will be digitally registered, the registration officer is satisfied that the application—

(i) is signed; and

(ii) includes the digital registration number allocated to the applicant by that officer;”,

(b) after paragraph (1) insert—

“(1A) In the case of an applicant who is or will be digitally registered, if the registration officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the officer may make a determination to that effect.”,

(c) after paragraph (5) insert—

“(6) In this regulation, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service.

(7) In this regulation—

“digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;

“the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service is to be construed in accordance with subsection (4) of that section.”