
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the provisions in respect of the annual canvass to be conducted under section 9D of the Representation of the People Act 1983 (“the 1983 Act”), in respect of the parliamentary register of electors in England and Wales and the local government register of electors in England. These Regulations also amend the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the England and Wales Regulations”) and the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) (“the Scotland Regulations”) in order to make further provision in respect of the reformed annual canvass. Regulations 2 to 5 of these Regulations amend the 1983 Act. Regulation 3 amends the provision in respect of the steps which a registration officer may take under section 9A(2) in light of the amendments made to section 9D. Regulation 4 amends section 9D of that Act in order to provide for the reformed canvass process. Regulation 5 amends paragraphs 1B and 3C of Schedule 2 to the Act in order to provide the Secretary of State concurrently with the Minister for the Cabinet Office with powers to make further provision in respect of the reformed canvass by regulations. Regulations 6 to 12 of these Regulations amend the England and Wales Regulations. Regulation 11 inserts new regulations 32ZBA to 32ZBG in the England and Wales Regulations setting out the reformed annual canvass process for the parliamentary register in England and Wales, and the local government register in England. Regulations 6 to 10 and 12 make consequential changes to regulations 3(1), 26(3)(eb), 32ZA, 32ZB and 93A(3) of the England and Wales Regulations as a result of the insertion of new regulations 32ZBA to 32ZBG. Regulations 13 to 19 of these Regulations amend the Scotland Regulations. Regulation 18 inserts new regulations 32ZBA to 32ZBG into the Scotland Regulations setting out the reformed annual canvass process for the parliamentary register. Regulations 14 to 17 and 19 of these Regulations make consequential changes to regulations 3(1), 26(3)(eb), 32ZA, 32ZB and 93A(3) of the Scotland Regulations as a result of the insertion of new regulations 32ZBA to 32ZBG. In both the England and Wales Regulations and the Scotland Regulations, regulation 32ZBA sets out the requirements of the reformed annual canvass. Regulations 32ZBB and 32ZBC provide for a data matching step as part of the reformed canvass. Regulation 32ZBB requires registration officers to disclose to the Minister for the Cabinet Office certain data in respect of registered electors and authorises the comparison of that information against data held by the Secretary of State for Work and Pensions in order to assist registration officers to determine how the annual canvass is to be conducted. Regulation 32ZBC makes provision for the processing of the information disclosed under regulation 32ZBB, the use of that data, its retention and deletion and provides that an offence will be committed if information is disclosed in breach of the regulation. Regulation 32ZBA requires a registration officer to conduct the annual canvass in accordance with regulation 32ZBD, unless the circumstances specified in regulation 32ZBA(4) or (5) arise. These allow the registration officer to conduct the canvass in accordance with regulations 32ZBE or 32ZBF. Regulation 32ZBE sets out how the annual canvass is to be conducted in respect of properties where, after conducting the data matching step, the registration officer is satisfied that it is not necessary to make any deletions from the relevant electoral registers, and has no reason to believe that any additions may be required to such registers. Regulation 32ZBD also applies where a registration officer has taken steps set out in regulation 32ZBE and has reason to believe that it may be necessary to remove a person registered at that address from the relevant register(s) and is not aware of that person's name, or has reason to believe that a person who resides at that address may be entitled to be registered in such a register and is not aware of that person's name (see regulation 32ZBE(7)).

Changes to legislation: *There are currently no known outstanding effects for the The Representation of the People (Annual Canvass) (Amendment) Regulations 2019. (See end of Document for details)*

Regulation 32ZBF sets out how the annual canvass is to be conducted in respect of certain properties where the registration officer has identified a responsible person in relation to that property who lawfully holds or has access to, and may lawfully disclose to the registration officer, information in respect of each person aged 16 or over who is eligible to be registered and is residing at that property.

Regulation 32ZBG places functions on the Electoral Commission in respect of the design of the canvass form and communications.

Regulations 20 and 21 of these Regulations require registration officers to disclose to the Minister for the Cabinet Office data in respect of certain registered electors and authorise the comparison of that information against data held by the Secretary of State for Work and Pensions in order to assist registration officers for the purposes set out in paragraph 1A of Schedule 2 to the Representation of the People Act 1983, being to verify information relating to a person who is registered in a register maintained by a registration officer, to ascertain the names and addresses of people who are not registered but who are entitled to be registered, or to identify those people who are registered but who are not entitled to be registered. The data is to be disclosed to the Minister for the Cabinet Office within a period to be specified in writing by that Minister. Regulation 21 makes provision with respect to the processing of the information disclosed under regulation 20 including the use of that data and its retention and deletion, and provides that an offence will be committed if information is disclosed in breach of regulation 21(1).

An impact assessment has been prepared and is annexed to the Explanatory Memorandum which is available alongside these Regulations on legislation.gov.uk or from the Modern Registration Division, Constitution Group, Cabinet Office, 1 Horse Guards Road, London, SW1A 2HQ.

Changes to legislation:

There are currently no known outstanding effects for the The Representation of the People (Annual Canvass) (Amendment) Regulations 2019.