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STATUTORY INSTRUMENTS

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**2023 No. 1116**

**The Representation of the People and Recall Petition  
(Northern Ireland) (Amendment) Regulations 2023**

**PART 2**

Amendments relating to Parliamentary elections

**Introductory**

2. The Representation of the People (Northern Ireland) Regulations 2008<sup>(1)</sup> are amended as set out in regulations 3 to 10.

**Applications for electoral identity card: notification and appeal**

3. After regulation 13 (applications for an electoral identity card) insert—

**“Notification of determination of application for electoral identity card**

**13A.**—(1) Where the Chief Electoral Officer for Northern Ireland determines an application for an electoral identity card, they must notify the applicant of that determination, together with any other information required by this regulation.

(2) Where the Chief Electoral Officer refuses the application, they must also notify the applicant of—

- (a) the reason for the refusal,
- (b) the right of appeal under section 58(1)(bb) of the 1983 Act<sup>(2)</sup>, and
- (c) the time in which any notice of appeal under that section must be given (in accordance with regulation 13B(1)).

(3) Where the Chief Electoral Officer notifies the applicant other than by written notification, they must, as soon as reasonably practicable after that notification send a written notification containing the same information to the applicant’s address, as specified in the application.

**Appeal following determination**

**13B.**—(1) A person who wishes to appeal under section 58(1)(bb) of the 1983 Act against a determination of the Chief Electoral Officer for Northern Ireland to refuse an application for an electoral identity card must give notice of the appeal to the Chief Electoral Officer before the end of the period of 14 days beginning with the day on which the notification under regulation 13A is given, specifying the grounds of the appeal.

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(1) [S.I. 2008/1741](#).

(2) Section 58(1)(bb) was inserted by paragraph 6 of Schedule 1 to the Elections Act [2022 \(c. 37\)](#).

(2) Where regulation 13A(3) applies in respect of the refusal, the reference to notification in paragraph (1) is to be read as the first notification under regulation 13A to that person.

(3) The Chief Electoral Officer must forward any such notice of appeal to the appropriate county court in the manner directed by rules of court together with a statement setting out—

- (a) the material facts which in the Chief Electoral Officer’s opinion have been established in the case,
- (b) the Chief Electoral Officer’s decision, and
- (c) the Chief Electoral Officer’s representations on any point specified as a ground of appeal.

(4) The Chief Electoral Officer must also give to the county court any other information which the court may require and which the Chief Electoral Officer is able to give.

(5) Where it appears to the Chief Electoral Officer that any notices of appeal given to the Chief Electoral Officer are based on similar grounds, the Chief Electoral Officer must inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.”.

#### **Retention of entries on the register following a canvass**

**4.** In regulation 46B (retention of entries on the register following a canvass)(**3**), in paragraph (6), for the definition of “relevant period”(4) (but not the “and” following it) substitute—

““relevant period”—

- (a) in relation to the canvass mentioned in paragraph (2) that was conducted in the year 2021, means the period beginning with the conclusion of the canvass and expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act in the third calendar year following that in which the canvass was conducted;
- (b) in relation to any subsequent canvass mentioned in paragraph (2), means the period beginning with the conclusion of the canvass and expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act in the second calendar year following that in which the canvass was conducted;”.

#### **Removal of redundant references to the Police Information Technology Organisation**

**5.**—(1) In regulation 53C (supply of the record of anonymous entries to police forces and other organisations)(**5**), in paragraph (1), omit sub-paragraph (e) (but not the “and” following it).

(2) In regulation 107 (supply of full register etc to police forces and restrictions on use), in paragraph (1), omit sub-paragraph (d) (but not the “and” following it).

#### **Applications for the appointment of a proxy**

**6.** In regulation 56(1) (additional requirements for applications for the appointment of a proxy)(**6**)—

- (a) after “name” insert “, date of birth”;
- (b) omit “together with his family relationship, if any, with the applicant,”.

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(3) Regulation 46B was inserted by [S.I. 2013/1846](#).

(4) The definition of “relevant period” was amended by [S.I. 2020/581](#).

(5) Regulation 53C was inserted by [S.I. 2014/1808](#).

(6) Regulation 56 was amended by [S.I. 2014/1808](#).

## Applications for postal vote where ballot papers are to be sent to a different address

7. In regulation 55A (additional requirement for applications for ballot papers to be sent to a different address to that in register)(7), in paragraph (1)(c), after “9(4)” insert “or (7)”.

8. In regulation 62 (grant or refusal of applications)(8), at the end insert—

“(6) Paragraphs (7) and (8) apply in the following situations—

- (a) where a person makes an application to vote by post under section 6(1) of the 1985 Act (application for postal vote for indefinite period)(9) and the addresses provided in accordance with section 6(6) of that Act (address to which ballot paper should be sent) and regulation 55(2)(b) (address in the register) are different;
- (b) where a person makes an application to vote by post under section 7(1) of the 1985 Act (application for postal vote for a particular election)(10) and the addresses provided in accordance with section 7(5) of that Act (address to which ballot paper should be sent) and regulation 55(2)(b) (address in the register) are different;
- (c) where a person who is a proxy makes an application to vote by post under section 9(4) or (7) of the 1985 Act (application by proxy for postal vote for indefinite period or for a particular election)(11) and the addresses provided for the proxy in accordance with section 9(12) of that Act (address to which ballot paper should be sent) and regulation 55(2)(c) (proxy’s address as provided in proxy application) are different;
- (d) where a person makes an application under section 7(2)(a)(12) of the 1985 Act (application by person registered as postal voter for indefinite period to have ballot papers sent to a different address for a particular election);
- (e) where a person makes an application under section 9(8)(13) of the 1985 Act (application by proxy registered as postal voter for indefinite period for ballot papers to be sent to a different address for a particular election).

(7) Where the registration officer grants the application, the notification under paragraph (1) must include a statement that the ballot paper will be sent to the address specified in the application as the address to which the ballot paper should be sent.

(8) A notification about the application under paragraph (1), (4) or (5) must be delivered to the applicant’s normal address, except where paragraph (9) applies.

(9) This paragraph applies where the applicant is—

- (a) an applicant registered in pursuance of a service declaration,
- (b) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act(14)),

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(7) Regulation 55A was inserted by [S.I. 2010/278](#).

(8) Regulation 62 was amended by [S.I. 2018/699](#) and [S.I. 2018/1310](#).

(9) Section 6 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), by paragraph 134 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by [S.I. 2005/3129](#), by [S.I. 2018/699](#), by [S.I. 2014/1116](#), by [S.I. 2008/699](#) and by [S.I. 2020/581](#).

(10) Section 7 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), by [S.I. 2005/3129](#), by [S.I. 2018/699](#), by [S.I. 2014/1116](#), by [S.I. 2008/699](#) and by [S.I. 2020/581](#).

(11) Section 9 was amended by paragraph 17 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 38(5) of the Electoral Administration Act 2006 (c. 22) and [S.I. 2014/1116](#).

(12) Subsection (2) was substituted by paragraph 15 of Schedule 6 to the Representation of the People Act 2000 (c. 2).

(13) Subsection (8) was amended by paragraph 17 of Schedule 6 to the Representation of the People Act 2000 (c. 2).

(14) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2), and was amended by section 14(1)(a)(ii) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and by [S.I. 2007/1388](#). It is prospectively amended by paragraph 1(3) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed. Other amendments have been made to section 7B that are not relevant to these Regulations.

- (c) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act<sup>(15)</sup>), or
  - (d) an applicant who has an anonymous entry.
- (10) In paragraph (8), “the applicant’s normal address” means—
- (a) in the situation mentioned in paragraph (6)(a) or (b), the address provided under regulation 55(2)(b) (address in the register);
  - (b) in the situation mentioned in paragraph (6)(c), the address provided under regulation 55(2)(c) (proxy’s address as provided in proxy application);
  - (c) in the situation mentioned in paragraph (6)(d), the address recorded under section 6(3)(b) of the 1985 Act (address provided in application for postal vote as address to which ballot papers should be sent);
  - (d) in the situation mentioned in paragraph (6)(e), the address recorded under section 9(6)(b) of the 1985 Act (address provided in application for postal vote by proxy as address to which ballot papers should be sent).”.

### **Supply of date of birth lists to police and pursuant to a court order**

9. After Part 6 insert—

## “PART 6A

### Supply of date of birth lists to police and pursuant to a court order

#### **Interpretation of Part 6A**

**114A.**—(1) In this Part, “date of birth list” means a list prepared under rule 19B(1) of the elections rules (lists of electors’ and proxies’ dates of birth)<sup>(16)</sup> and includes any part of such a list.

(2) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act, any duty on the Chief Electoral Officer for Northern Ireland to supply a date of birth list imposes only a duty to provide the list in the form in which the Chief Electoral Officer holds it.

#### **Supply of date of birth lists to police forces and restrictions on use**

**114B.**—(1) The Chief Electoral Officer for Northern Ireland must, on receipt of a written request from a police force for a date of birth list—

- (a) if the request was for a copy of a date of birth list in printed form, provide the police force with a printed copy of the list specified in the request;
  - (b) if the request was for a date of birth list in data form, provide the police force with the data form of the list specified in the request.
- (2) No person serving whether as a constable, officer or employee in a police force may—
- (a) supply a date of birth list, or a copy of such a list, to any person,
  - (b) disclose any information contained in a date of birth list, or
  - (c) make use of any such information,

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<sup>(15)</sup> Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

<sup>(16)</sup> Rule 19B was inserted by paragraph 11 of Schedule 1 to the Elections Act 2022 (c. 37).

otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere)(17).

- (3) The restrictions in paragraph (2) apply to a person—
  - (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
  - (b) to whom information in such a list has been disclosed under that paragraph,as they apply to the persons referred to in that paragraph.
- (4) In this regulation—
  - (a) “police force” means—
    - (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
    - (ii) a police force in Great Britain,
    - (iii) the National Crime Agency, or
    - (iv) any body of constables established under an Act of Parliament;
  - (b) the reference to an employee in a police force includes—
    - (i) any person working or providing services for the police force, and
    - (ii) any person employed by or on behalf of, or working for, a person referred to in sub-paragraph (i).

#### **Court orders for production of date of birth lists**

**114C.**—(1) The High Court, a county court or an election court may make an order for the inspection or production of a date of birth list, if satisfied by evidence on oath that the order is required for the purposes of—

- (a) instituting or maintaining a prosecution in relation to an election, or
  - (b) an election petition.
- (2) An order under paragraph (1) may be made subject to conditions, including conditions relating to—
- (a) the persons who may inspect the list or to whom the list may be produced,
  - (b) the time of inspection or production, and
  - (c) the place and mode of inspection or production.
- (3) An appeal lies to the High Court from any order of a county court under paragraph (1).
- (4) A power to make an order under paragraph (1)—
- (a) in the case of a power of the High Court, may be exercised by any judge of the court otherwise than in open court, and
  - (b) in the case of a power of a county court, may be exercised in such manner as may be provided by rules of court.
- (5) Where an order is made for the production of a date of birth list relating to a specified election, the production of the list in the manner directed by the order is to be conclusive evidence that the list relates to the specified election.
- (6) A third party who has inspected a date of birth list or to whom a date of birth list has been produced pursuant to an order under paragraph (1) may not—
- (a) supply the list, or a copy of it, to any person,

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(17) A breach of this paragraph (including as applied by paragraph (3)) is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

(b) disclose any information contained in it, or  
(c) make use of any such information,  
otherwise than for the purposes of the proceedings in relation to which the order was made(18).

(7) The restrictions in paragraph (6) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or  
(b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the third party to whom the list was first supplied.

(8) In this regulation, “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate functions.”.

### **Forms used in Parliamentary elections**

**10.**—(1) Schedule 3 (Forms) is amended as follows.

- (2) Replace Form A (elector’s official poll card)(19) with the form in Schedule 2.  
(3) Replace Form B (proxy’s official poll card)(20) with the form in Schedule 3.  
(4) Replace Form E (proxy paper)(21) with the form in Schedule 4.

### **Transitional provision relating to proxy paper form**

**11.**—(1) This regulation applies where a proxy appointment is made during the period—

- (a) beginning with 31st October 2023, and  
(b) ending with 5th March 2024.

(2) Form E (proxy paper), as inserted into Schedule 3 to the Representation of the People (Northern Ireland) Regulations 2008(22) by regulation 10(4) applies as if, on the last page, in paragraph 2, at the beginning there were inserted “In relation to an election for which the date of the poll is on or after 5th March 2024,”.

(3) In this regulation, “proxy appointment” has the same meaning as in paragraph 9(6) of Schedule 4 to the Elections Act 2022(23).

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(18) A breach of this paragraph (including as applied by paragraph (7)), is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

(19) Form A was replaced by S.I. 2015/221.

(20) Form B was replaced by S.I. 2015/221.

(21) Form E was replaced by S.I. 2015/221.

(22) S.I. 2008/1741.

(23) 2022 c. 37.