
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Northern Ireland) Regulations 2001 (“the principal Regulations”). Regulation 4 of these Regulations prescribes the form of annual canvass for the purposes of section 10(4) of the Representation of the People Act 1983 (“the 1983 Act”), as substituted by Schedule 1 to the Representation of the People Act 2000 (“the 2000 Act”). The form of canvass which is specified by regulation 4 of, and Schedule 2 to, these Regulations takes account of the requirements of section 10(4A) of the 1983 Act, as inserted by section 1(2) of the Electoral Fraud (Northern Ireland) Act 2002 (“the 2002 Act”). The set of regulations prescribing the existing form of canvass is revoked by regulation 3(2)(d) of these Regulations.

Regulation 9 of these Regulations amends the parliamentary elections rules to add the travel pass specified in it to the list of documents that may be presented at a polling station in order to receive a ballot paper.

The main changes to the principal Regulations are those made by the regulations inserted by regulation 21 of these Regulations. The inserted regulations make fresh provision in respect of the free supply and the sale of the register of electors. Regulations 46 to 49 of the principal Regulations (which currently provide for such supply and sale) are revoked by regulation 3(2)(b) of these Regulations.

Regulation 88 of the inserted regulations provides for an edited version of the register of electors. This version does not contain the names of those persons who have requested the exclusion of their names from this version of the register. The request is made either in the form of return of the annual canvass under section 10 of the 1983 Act, as substituted, or in the form of application to be registered. The contents of such applications are prescribed by regulation 26 of the principal Regulations and that regulation is amended by regulation 10 of these Regulations to make provision for that request. The form to be used for the canvass is prescribed by Part I of Schedule 2 to these Regulations.

Under regulation 103 of the inserted regulations, the edited version of the register is available for sale without restriction.

By contrast, the inserted regulations introduce new restrictions not only on the sale of the full version of the register but also on its use consequent on its supply free of charge. Breach of the restrictions is an offence under inserted regulation 108.

A copy of the full version of the register may not be supplied by the registration officer otherwise than in accordance with an enactment (which, by virtue of the definition in inserted regulation 87(2), includes subordinate legislation), including the principal Regulations (regulation 89(3)). No copy may be sold except to the bodies falling within inserted regulations 106 and 107. Such persons are subject to the restrictions in inserted regulation 105(4) and (5), subject to the uses which are authorised by regulations 106 and 107.

Inserted regulation 89 restricts the supply of the full register (or information contained in it) by the Chief Electoral Officer and his staff (the registration officer for Northern Ireland). References to the register include the notices published under sections 13A(2) and 13B(3) of the 1983 Act (as substituted by Schedule 1 to the 2000 Act) amending it. Inserted regulation 90 places restrictions in respect of supply under other enactments (including subordinate legislation).

Inserted regulations 91 to 95 require the registration officer to supply free of charge and on publication a copy of the full register to the organisations, to which those regulations apply. The regulations also place restrictions on the use of the register.

Inserted regulations 96 to 102 require the registration officer to supply free of charge and on request copies of the full register to the persons and organisations to which the regulations apply. They also set out restrictions on use.

Inserted regulation 107 provides for the processing of the register into the form of data and regulation 108 provides for offences.

Regulations 6 and 12 to 14 of these Regulations amend provisions in the principal Regulations relating to the manner of publication of the register (including notices amending it) and the list of overseas electors and to the taking of copies of such documents to introduce new restrictions. The register (which, by virtue of inserted regulation 88(5), means the full register) is to be available for inspection only under supervision. Only hand-written copies may be taken.

Regulation 17 of these Regulations amends the principal Regulations to include express provision about the addresses to which postal ballot papers are to be sent. Regulations 18 and 19(3) of these Regulations simplify the procedure in respect of spoilt postal ballot papers and the checks required in respect of the declaration of identity for postal ballot papers, respectively.

Regulation 3(2)(a) also revokes regulation 34 of the 2001 Regulations which will be inconsistent with section 10A(5A) of the 1983 Act, as inserted by section 1(3)(c) of the 2002 Act.

The regulation inserted into the 2001 Regulations by regulation 8 of these Regulations provides for the description of persons who may apply for an electoral identity card under section 13C of the 1983 Act, as inserted by section 4 of the 2002 Act, and for the contents of such applications.

The regulation inserted into the 2001 Regulations by regulation 11 of these Regulations provides for the disclosure of national insurance numbers (and information about persons recorded as having a number) by the Department for Work and Pensions.

Regulations 19(2) and 22 of these Regulations amend the provisions about the declaration of identity to require an elector to include his date of birth in it and to provide for the returning officer to check that date and the elector's signature on the declaration on receipt of the declaration with the date of birth and signature provided on registration.

Regulation 7 of these Regulations removes a provision that ceased to have effect consequent on the coming into force of paragraph 10 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Regulation 16 corrects an error in the 2001 Regulations and regulation 20 provides for a copy of the statement about postal votes to be sent to the Electoral Commission instead of the Secretary of State.