
DRAFT STATUTORY INSTRUMENTS

2008 No.

**The Representation of the People
(Northern Ireland) Regulations 2008**

PART 3

REGISTRATION

Determination of applications and objections

Procedure for determining applications for registration and objections without a hearing

30.—(1) The registration officer shall discharge his functions of determining an application for registration under section 10A(1)(a) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act in accordance with this regulation and regulations 31 to 33.

(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.

(3) 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).

(4) 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 (3); and
- (b) in the list he keeps in pursuance of paragraph (2)(a), the particulars of the objection.

(5) 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 (3) in the list he keeps in pursuance of paragraph (2)(c).

(6) The registration officer may ask for further information and take no further action until such information is supplied, if he is of the opinion that the particulars given in the application or objection are insufficient.

(7) The registration officer may allow an application without a hearing provided that no objection is made within five days beginning with the day following the entry of the application in the list of applications.

(8) The registration officer may disallow an objection if he is of opinion that the objector is not entitled to object and he shall so inform the objector.

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

(10) Where the registration officer disallows an objection under paragraph (9), he must send to the objector a notice stating that the objection has been disallowed on that basis and the grounds for his opinion.

(11) 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 (10).

(12) A notification under paragraph (11) is not to prevent the application to which the objection relates from being allowed.

(13) The registration officer may send to the applicant or objector a notice stating his opinion that an application or objection cannot be allowed because—

- (a) the matter has been concluded by the decision of a court, or
- (b) the particulars given in the application or objection do not entitle the applicant or objector to succeed.

(14) In cases to which paragraph (13) applies, the registration officer shall state the grounds for his opinion and that he intends to disallow the application or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the application or objection to be heard; and if he receives no such notice within that time, he may disallow the application or objection.

(15) 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(1).

Notice of hearing

31.—(1) The registration officer shall, unless he allows the application or disallows the objection under regulation 30, send a notice—

- (a) in the case of an application, to the person making the application; and
- (b) in the case of an objection, to the objector and person against whom an objection is made.

(2) A notice issued under paragraph (1) shall state—

- (a) the time and place at which he proposes to hear the application or objection;
- (b) the name and address of the objector and the grounds of the objection (in the case of the notice sent to the person against whom an objection is made).

(3) The time fixed for the hearing of an application or objection shall not be earlier than the third day or later than the seventh day after the date of the notice referred to in paragraph (1).

Hearing of applications and objections

32.—(1) The persons entitled to appear and be heard are as follows—

- (a) on an application, the applicant;
- (b) on an objection, the objector and the person against whom an objection is made;
- (c) on an application or an objection, any other person who appears to the registration officer to be interested.

(2) The right to appear and be heard includes the right to make written representations.

(3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.

(1) Section 2 was substituted by paragraph 3 of Schedule 2 to the 2000 Act (c.2).

(4) The registration officer may, at the request of any person entitled to appear and be heard or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer the oath for that purpose.

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

33.—(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 30(9) notifies the registration officer, in accordance with regulation 30(11), 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) or 13A(2) of the 1983 Act (2).

(2) Where the registration officer—

- (a) is able to determine the objection before the alteration to the register is due to take effect, and
- (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 30 to the list he keeps in pursuance of paragraph (2)(c) of that regulation.

Other determinations by registration officer of entitlement to registration

34.—(1) The registration officer must discharge the functions specified in paragraph (2) in accordance with regulations 35 to 38.

(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,(3) and
 - (ii) section 2(2)(aa) of the 1985 Act(4);
- (b) determining under section 10A(5)(b) of the 1983 Act(5) whether a person—

(2) 1983 c.2; sections 13, 13A and 13B were substituted by paragraph 6 of Schedule 1 to the 2000 Act (c.2); and section 13B has been amended by section 11 of the 2006 Act but these amendments do not extend to Northern Ireland.

(3) Section 7 was substituted by, and sections 7A to 7C were inserted by, respectively, sections 4, 5 and 6 of the 2000 Act (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 2006 Act (c.22).

(4) 1985 c. 50; section 2 was substituted by paragraph 3 of Schedule 2 to the 2000 Act; subsection (2)(aa) was inserted by section 12(9) of the 2006 Act .

(5) Section 10A was substituted together with section 10 for section 10 as originally enacted by paragraph 4 of Schedule 1 to the 2000 Act and subsection (5)(b) was substituted by section 12(5)(b) of the 2006 Act.

- (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⁽⁶⁾.

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

35.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make the determination specified in regulation 34(2)(b)(ii) without following the procedure set out in regulations 36 to 38.

- (2) The circumstances specified in this paragraph are where the registration officer—
- (a) has received an application under regulation 27 which includes a statement to which paragraph (1)(c) of that regulation refers;
 - (b) has received a notification under regulation 46;
 - (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 General of Births and Deaths in Northern Ireland or by the Senior Coroner for Northern Ireland that the elector has died;
 - (e) has been provided with information pursuant to regulation 41 that an elector has ceased to reside at the address in question;
 - (f) has been provided with information pursuant to regulation 41 that the national insurance number provided by the elector in his application for registration is incorrect.

(3) In paragraph (2)—

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

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

Procedure for reviewing entitlement to registration

36.—(1) A registration officer may, for the purposes of making a determination of the nature specified in regulation 34(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 (3), as he considers appropriate; and
- (b) enter the review in the list kept in pursuance of regulation 37.

(3) A notice is specified for the purposes of paragraph (2)(a) 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
- (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

⁽⁶⁾ Section 4 was substituted by section 1(2) of the 2000 Act.

(4) Where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (3)(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.

(5) Paragraph (6) applies where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (3)(b); and
- (b) that person does not respond to the registration officer's satisfaction, or at all, within 28 days beginning with the date of that notice.

(6) 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.

(7) Where—

- (a) the registration officer sends to the subject of the review a notice in pursuance of paragraph (6); and
- (b) the subject of the review 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.

(8) In making a determination under paragraph (4) or (7), 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.

(9) In this regulation and regulations 37 and 38—

- “review” must be construed in accordance with paragraph (1); and
- “the subject of the review” means the person in respect of whom the review is conducted.

List of reviews

37.—(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.

Hearings of reviews

38.—(1) Where the registration officer determines that a hearing of the review should be conducted, the notice given under regulation 36(3)(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 32 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.

Registration appeals

39.—(1) This regulation makes provision in connection with the right to appeal from—

- (a) the decision of the registration officer regarding an application for registration under section 58(1)(a) of the 1983 Act⁽⁷⁾;
- (b) the decision of the registration officer made under section 58(1)(b) of the 1983 Act in accordance with regulations 35 to 38 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.

(2) A person desiring to appeal must—

- (a) give notice of appeal to the registration officer and to the objector (if any) when the decision is given, or within 14 days thereafter; and
- (b) specify the grounds of appeal.

(3) The registration officer shall forward any such notice to the appropriate county court in accordance with the rules of court together with—

- (a) a statement of the material facts which in his opinion have been established in the case; and
- (b) his decision upon the whole case and on any point which may be specified as a ground of appeal.

(4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the appropriate county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Representations regarding clerical errors

40.—(1) For the purposes of section 13BA(8)⁽⁸⁾ of the 1983 Act a representation may be made orally or in writing.

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

(7) 1983 c.2; section 58 was substituted by Schedule 4 to the Miscellaneous Provisions Act 2006 (c.33).

(8) 1983 c. 3; section 13BA was inserted by section 6 of the Miscellaneous Provisions Act 2006.

Requests for information

41.—(1) The registration officer may, from time to time, request such specified information as he may require for the purposes mentioned in paragraph 1(4B) of Schedule 2 to the 1983 Act⁽⁹⁾ from—

- (a) any specified authority; or
 - (b) any person providing services to, or authorised to exercise any function of, any such authority.
- (2) A request for information shall—
- (a) be in writing;
 - (b) specify the format in which the information shall be provided; and
 - (c) specify the date by which information shall be provided.
- (3) A request for information may—
- (a) request the regular disclosure of specified information at intervals not more frequent than monthly; and
 - (b) relate to a specified individual or a class of individuals of a particular description.
- (4) A recipient of a request for information shall—
- (a) provide the information requested by the specified date; or
 - (b) inform the registration officer that the information requested is not held by that authority or person; or
 - (c) request further time for the location of that information.
- (5) Nothing in these Regulations requires the disclosure of information which came into the possession of an authority or person before any previous disclosure made in response to a request made in accordance with this regulation.
- (6) Where a request for the same information is made more than once, the recipient of the request may provide the information requested if, in his opinion, the information is reasonably required by the registration officer to replace any information previously disclosed which has been lost, destroyed or impaired during processing by the registration officer.
- (7) Nothing in these Regulations shall be taken to require a specified authority or person mentioned in paragraph (1) to disclose information which came into their control before 6th June 2007⁽¹⁰⁾.

Provision of information to the registration officer

42.—(1) The authorities set out in paragraph (2) are specified authorities for the purposes of regulation 41.

- (2) The specified authorities are—
- (a) district councils;
 - (b) the Registrar General of Births and Deaths in Northern Ireland;
 - (c) the Northern Ireland Central Services Agency;
 - (d) the Department for Work and Pensions;

⁽⁹⁾ Paragraph 1(4B) of Schedule 2 to the 1983 Act was inserted by section 7 of the Miscellaneous Provisions Act.

⁽¹⁰⁾ The Representation of the People (Northern Ireland)(Amendment) Regulations 2007 (S.I.2007/1612)(“2007 Regulations”) amended the 2001 Regulations to make provision to enable the Chief Electoral Officer for Northern Ireland to request information from specified public authorities. The 2007 Regulations provided that these new powers did not require an authority to provide information which came into their possession before those Regulations came into force on 6th June 2007. These Regulations, which repeal and replace the 2007 Regulations maintain this position.

- (e) secondary schools within the meaning of article 2 of the Education and Libraries (Northern Ireland) Order 1986⁽¹¹⁾; and
- (f) the Northern Ireland Housing Executive.

(3) For the purposes of regulation 41 the specified information is such of the information set out in paragraphs (4) to (6) as is, in the opinion of the registration officer, required to maintain the accuracy of the register and to ensure that it is comprehensive.

(4) The specified information in respect of persons is such of the following information which relates to a person aged 16 or over—

- (a) his name and former name;
- (b) his address and last former address;
- (c) his date of birth;
- (d) his date of death; and
- (e) his national insurance number.

(5) The specified information in respect of residential buildings is—

- (a) the postal address;
- (b) information relating to any change in the usage of the building from residential to non-residential; and
- (c) information relating to the current occupants and the last former occupants of the building.

(6) The specified information in respect of non-residential buildings is information relating to any change in the usage of the building from non-residential to residential.

(7) For the purpose of this regulation “residential buildings” includes residential buildings which are under construction and to which a postal address has been assigned.

Disclosure of information

43.—(1) A person commits an offence if he discloses information obtained under these Regulations to a third party except—

- (a) for the purpose mentioned in paragraph 1(4B) of Schedule 2 to the 1983 Act; or
- (b) for the purposes of any criminal or civil proceedings.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

Notices in connection with registration

44.—(1) A notice under section 13(3) of the 1983 Act⁽¹²⁾ must be published—

- (a) not less than 14 days before the publication of the revised version of the register to which it relates;
- (b) in a newspaper circulating in the area in which the registration officer acts, and
- (c) by posting a copy of it at his office and in some conspicuous place or places in that area.

(2) A notice under section 13A(2) or 13BA(3),(6) or (9) of that Act must be issued by—

- (a) making a printed copy of it available for inspection under supervision—

(11) S.I.1986/594 (N.I.3).

(12) 1983 c.2; sections 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.

- (i) at his office, and
 - (ii) at such places, if any, in the registration area as allow members of the public in that area reasonable facilities for that purpose;
 - (b) supplying copies of it in accordance with Part 6 of these Regulations;
 - (c) except in a case falling within regulation 35(2)(d), sending a copy of it to any person affected by its contents.
- (3) For the purposes of section 13BA(7) and (8) of the 1983 Act, the prescribed time on the day of the poll is 7pm.

Communication of notices made on polling day

45.—(1) Where a notice is issued under section 13BA(3),(6) or (9) 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 presiding officer.

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

(3) Where a notice issued under 13BA(3),(6) or (9) of the 1983 Act is communicated to a presiding officer by whatever means, the presiding officer must make a written record of that notice and forward it to the returning officer after the day of the poll.

Notice by registration officer of a change of address

46.—(1) This regulation applies where the registration officer receives an application for registration which includes a statement given in accordance with regulation 27(1)(c).

(2) Where the address given in the statement received by the Northern Ireland registration officer is in an area for which another registration officer (“the former registration officer”) acts, the Northern Ireland registration officer shall as soon as practicable notify the former registration officer that the applicant no longer resides in his area.