
DRAFT STATUTORY INSTRUMENTS

2008 No.

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

PART 7

**ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS
OPEN TO PUBLIC INSPECTION AFTER AN ELECTION**

Interpretation of Part 7

115.—(1) In this Part references to the “marked register or lists” means any part of the marked copies of—

- (a) the full register;
- (b) the postal voters list;
- (c) the list of proxies; and
- (d) the proxy postal voters list,

retained by the Chief Electoral Officer under rule 57(1A) of the elections rules⁽¹⁾.

(2) For the purposes of this Part any period of days shall be calculated in accordance with regulation 61(5).

(3) Paragraphs (2) and (3) of regulation 92, and the condition in paragraph (3) of regulation 113 shall be taken to apply to the supply and processing of information supplied under this Part as they apply to the supply and processing of the full register under Part 6.

(4) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a Chief Electoral Officer for Northern Ireland to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after an election

116.—(1) Any person entitled to be supplied, in accordance with regulation 99, 102, 104, 105, 106, 107 or 111, with copies of the full register at a particular parliamentary or local government election is also a person entitled, subject to this regulation and to regulation 118, to request that the Chief Electoral Officer for Northern Ireland supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from his being in a category of persons to whom regulation 102, 104, 105 or 106 applies before a particular election, shall be entitled to request those documents regardless of whether he remains in an entitled category after that election.

(1) Rule 57(1A) was inserted by paragraph 95 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

- (3) A request under paragraph (1) shall be made in writing and shall—
- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
 - (b) state whether a printed copy of the records or lists is requested or a copy in data form;
 - (c) state the purpose for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.
- (4) The Chief Electoral Officer for Northern Ireland shall supply a copy of the relevant part of the marked register or lists where a request is duly made and—
- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested; and
 - (b) he has received payment of a fee calculated in accordance with regulation 119.
- (5) If the Chief Electoral Officer for Northern Ireland is not satisfied as mentioned in paragraph (4)(a) he may treat the request for a marked register or list as a request for information in unmarked lists under regulation 66 or for the published copy of the full register in accordance with regulation 110, or both.
- (6) A person who obtains a copy of any part of a marked register or list under this regulation may use it only for the permitted purpose specified in paragraph (2) of regulation 118, and any conditions—
- (a) specified in that paragraph; or
 - (b) which would apply to the use of the full register under whichever of regulations 99,102,104,105, 106,107 or 111 entitled that person to obtain that document,
- shall apply to such use.
- (7) The conditions referred to in paragraph (6) apply to a person to whom the marked register or lists, or any information contained in it (that is not contained in the edited register) has been supplied or disclosed under those paragraphs as they apply to the person to whom those regulations apply.
- (8) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this regulation may—
- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein, or
 - (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this regulation,
- for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

- 117.**—(1) Any person is entitled to request that the Chief Electoral Officer for Northern Ireland make available for inspection a copy of any of the following documents (referred to in this regulation and in regulation 118 as “the documents open to public inspection”)—
- (a) the marked register or lists;
 - (b) such other documents relating to an election as the Chief Electoral Officer for Northern Ireland is required by or under any enactment to retain for any period.
- (2) A request under paragraph (1) shall be made in writing and shall specify—
- (a) which documents are requested;
 - (b) the purpose for which the information in any document will be used,

- (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose,
- (d) who will inspect the documents,
- (e) the date on which they wish to inspect the documents, and
- (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to paragraph (4), the Chief Electoral Officer for Northern Ireland shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the Chief Electoral Officer for Northern Ireland is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he shall inform the requestor—

- (a) of his decision under this paragraph, and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 52.

(5) A person who obtains a copy of or information in any document open to public inspection under this regulation may use it only for the permitted purposes specified in regulation 118, and any conditions—

- (a) specified in that regulation,
- (b) specified in paragraph (7), or
- (c) which would apply to the use of the full register under regulation 107 where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the Chief Electoral Officer for Northern Ireland shall ensure that the manner in, and equipment on which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(7) Subject to paragraph (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand-written notes.

(8) The Chief Electoral Officer for Northern Ireland shall on request, supply free of charge copies of any documents open to public inspection, to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 107 applies.

Conditions on the use, supply and disclosure of documents open to public inspection

118.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 95 shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of the information in the marked register or lists in accordance with regulation 116(1); or
- (b) a person inspects information in accordance with regulation 117(1),

the permitted purpose shall mean either research purposes within the meaning of that term in section 33 of the Data Protection Act 1998 (2) or electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which regulation 117(8) applies, the permitted purpose means the purposes set out in regulation 107(3).

Fees relating to the supply of marked registers and lists

119. The formula used for the purpose of calculating the fee that shall be paid to the Chief Electoral Officer for Northern Ireland by a requestor prior to their being supplied with copies of the marked register or lists (or any relevant part those documents) under paragraph (3) of regulation 116 shall be the same as for calculation of the fee for sale of the full register and notices, set out in paragraph (5) of regulation 109.