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**2009 No.**

**REPRESENTATION OF THE PEOPLE**

**The European Parliamentary Elections (Franchise of Relevant Citizens of the Union) (Amendment) Regulations 2009**

*Made* - - - - - \*\*\*

*Coming into force* - - - - - \*\*\*

The Secretary of State, who is the Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the right of Citizens of the Union to vote at European Parliamentary elections, makes the following Regulations in exercise of the powers conferred by that provision.

In accordance with paragraph 2(2) of Schedule 2 to that Act(c), a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) (Amendment) Regulations 2009 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

“the 2001 Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(d).

**Amendment of the 2001 Regulations**

2.—(1) The 2001 Regulations are amended as follows.

(2) In regulation 8 (copies of certain applications and declarations to be sent to the Secretary of State)—

(a) in paragraph (1) for “a copy of” substitute “information contained in”; and

(b) in paragraph (3) for “documents” substitute “information” and for “are” substitute “is”.

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(a) The Secretary of State is designated by virtue of the European Communities (Designation) (No.3) Order 1993 (S.I.1993/2661).  
(b) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and is to be amended by the Schedule to the European Union (Amendment) Act 2008 (c.7), from a date to be appointed.  
(c) Paragraph 2(2) of Schedule 2 was amended by section 27(2)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).  
(d) S.I. 2001/1184; amended by paragraph 16 to Schedule 4 to the European Parliamentary Elections Act 2002 (c.24) and S.I.2003/1557.

(3) In regulation 9(1)(b) (application, with modifications, of provisions of the 1983 Act and Representation of the People Regulations) for “the Representation of the People (Northern Ireland) Regulations 2001” substitute “the Representation of the People (Northern Ireland) Regulations 2008<sup>(a)</sup>”.

(4) For the Schedule (application with modifications of the 1983 Act and various Representation of the People Regulations for registration under these Regulations) substitute the Schedule to these Regulations.

Signed by the authority of the Secretary of State

Date

Minister of State  
Ministry of Justice

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(a) S.I. 2008/1741, which revoked and replaced S.I. 2001/400.

## “SCHEDULE

Regulation 9

APPLICATION WITH MODIFICATIONS OF THE 1983 ACT  
AND VARIOUS REPRESENTATION OF THE PEOPLE  
REGULATIONS FOR REGISTRATION UNDER THESE  
REGULATIONS

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
<b>PART I</b> <b>THE 1983 ACT</b>	
Section 5 (residence: general)(a)	<p>In subsection (1) from the words “section 4” to the end substitute “regulation 4 of the 2001 Regulations falls to be determined for the purposes of that regulation.”.</p> <p>In subsections (3) and (6) for “section 4 above” substitute “regulation 4 of the 2001 Regulations”.</p>
Section 6 (residence: merchant seamen)(b)	For “section 4 above” substitute “regulation 4 of the 2001 Regulations”.
Section 7 (residence: patients in mental hospitals who are not detained offenders or on remand)(c)	<p>In subsection (1)(b) omit “section 3A above or”.</p> <p>In subsection (2) for “section 4 above” substitute “regulation 4 of the 2001 Regulations”.</p> <p>In subsection (3)(aa) for “regulations” substitute “the Representation of the People Regulations as applied by the 2001 Regulations”.</p>
Section 7A (residence: persons remanded in custody etc.)(d)	<p>In subsection (2) for “section 4 above” substitute “regulation 4 of the 2001 Regulations”.</p> <p>In subsection (3)(aa) for “regulations” substitute “the Representation of the People Regulations as applied by the 2001 Regulations”.</p>

(a) Section 5 was substituted by section 3 of the Representation of the People Act 2000 (c.2).

(b) Section 6 was amended by paragraphs 1 and 2 of Schedule 1 to the Representation of the People Act 2000 (c.2).

(c) Section 7 was substituted by section 4 of the Representation of the People Act 2000 (c.2). Subsection (3)(aa) was inserted by section 12(1) of the Electoral Administration Act 2006 (c.22) and subsection (6)(b) was amended by S.I. 2005/2078 and S.I.I. 2005/465.

(d) Section 7A was inserted by section 5 of the Representation of the People Act 2000 (c.2). Subsection (3)(aa) was inserted by section 12(2) of the Electoral Administration Act 2006 (c.22) and subsection (6) was amended by S.I. 2005/2078 and S.I.I. 2005/465.

<i>1</i>	<i>2</i>
<i>Provision applied</i>	<i>Modification</i>
Section 7B (notional residence: declarations of local connection)(a)	<p>In subsection (2)(c) for “section 4 above” substitute “regulation 4 of the 2001 Regulations”.</p> <p>In subsection (3)(e) omit the words from “a Commonwealth citizen” to “elections”.</p> <p>Omit subsections (6) and (7).</p>
Section 7C (effect of declaration of local connection)(b)	<p>In subsection (1) for “section 4 above” substitute “regulation 4 of the 2001 Regulations”.</p> <p>In subsection (2)(aa) for “regulations” substitute “the Representation of the People Regulations as applied by the 2001 Regulations”.</p>
Section 9 (registers of electors)(c), subsections (2), (3), (4), (7) and (8)	
Section 9B (anonymous registration)(d)	<p>In subsection (1)—</p> <ul style="list-style-type: none"> <li>(a) for “parliamentary electors or local government electors” substitute “European Parliamentary electors”; and</li> <li>(b) for “the requirements prescribed for the purposes of section 10A(1)(a) below” substitute “regulations 4 and 6 of the 2001 Regulations”.</li> </ul> <p>In subsection (4) after “this Act” insert “and the 2001 Regulations”.</p> <p>In subsection (7)(b) omit the words from “(including” to the end.</p> <p>For subsection (11) substitute—</p> <p style="padding-left: 40px;">“(11) In this section, “determines” means determines in accordance with the Representation of the People Regulations as applied by the 2001 Regulations.”</p> <p>After subsection (11) insert—</p> <p style="padding-left: 40px;">“(12) A relevant citizen of the Union who—</p> <ul style="list-style-type: none"> <li>(a) applies to be registered in a register of European</li> </ul>

- (a) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c.2).
- (b) Section 7C was inserted by section 6 of the Representation of the People Act 2000 (c.2). Subsection (2)(aa) was inserted by section 12(3) of the Electoral Administration Act 2006 (c.22).
- (c) Section 9 was substituted by paragraphs 1 and 3 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (2) was amended by paragraphs 2 and 4 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).
- (d) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22). Subsection (9) was repealed by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (2006 asp 14).

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
	Parliamentary electors, and (b) has an existing anonymous entry in a register of local government electors, shall be anonymously registered in a register of European Parliamentary electors maintained under regulation 5(2) of the 2001 Regulations.”.
Section 9C (removal of anonymous entry)(a)	After subsection (1) insert— “(1A) A person’s entitlement to an anonymous entry in a register of European Parliamentary electors maintained under regulation 5(2) of the 2001 Regulations by virtue of section 9B(12) terminates at the same time as his entitlement to have an anonymous entry in a register of local government electors terminates by virtue of subsection (1).”.  In subsection (2) omit “other” and for “the Representation of the People Act 1985” substitute “the 2001 Regulations”.
Section 10A (maintenance of registers: registration of electors), subsections (1)(a), (1A), (1B), (3), (3A), (3B), (4) and (9)(b)	In subsection (1)(a) for “the prescribed requirements, or” substitute “regulations 4 and 6 of the 2001 Regulations.”.  In subsection (1A) omit the words from “and the power in subsection (1)” to the end.  For subsection (9) substitute— “(9) In this section— “determines” means determines in accordance with the Representation of the People Regulations as applied by the 2001 Regulations.”.
Section 13 (publication of registers)(c)	For subsections (1) to (3) substitute— “(1) Where a register maintained under regulation 5(2) of the 2001 Regulations is in force, a revised version of it shall be published when a revised version of the registers of parliamentary and local government electors is published under subsection (1) or (3) of this section, as it has effect for the purposes of such registers.”.

(a) Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22).

(b) Section 10A, together with section 10, was substituted for section 10 as originally enacted by paragraphs 1 and 4 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsections (1A) and (1B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and subsection (3A) was inserted by section 12(4) of, and subsection (3B) was inserted by paragraphs 2 and 6 to Schedule 1 to, the Electoral Administration Act 2006 (c.22).

(c) Section 13, together with sections 13A and 13B, was substituted for section 13 as originally enacted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (1) was substituted by section 5(1) of, and

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
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Section 13A (alteration of registers)(a)

In subsection (1)—

- (a) in paragraph (a), for “prescribed requirements” substitute “requirements in regulations 4 and 6 of the 2001 Regulations”; and
- (b) in paragraph (b), after “this Act” insert “or of the 2001 Regulations”.

In subsection (2A) omit the words from “and the power in subsection (1)(a)” to the end.

In subsection (3)—

- (a) for paragraph (a) substitute—
  - “(a) at the beginning of the month containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1) or (3) as they have effect for the purposes of such registers, or”
- (b) for paragraph (b) substitute—
  - “(b) at the beginning of either of the two months preceding that containing the date on which revised versions of the registers of parliamentary or local government electors are next due to be published in accordance with section 13(1)(a) as it has effect for the purposes of such registers,”.

In subsection (6)—

- (a) for “regulations” substitute “the Representation of the People Regulations as applied by the 2001 Regulations”; and
- (b) omit “as if it were contained in Part II of this Act”.

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subsection (5)(b) was amended by paragraph 3 of Schedule 4 to, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).

- (a) Section 13A, together with sections 13 and 13B, was substituted for section 13 as originally enacted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsections (1)(c), (2)(b), (4) and (5) were amended by paragraph 4 of Schedule 4 to, and subsection (3)(b) was amended by section 5(2) of, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33), subsections (2A) and (2B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and subsection (4) was amended by paragraphs 31 and 32 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
Section 13B (alteration of registers: pending elections)(a)	For subsection (4) substitute— <p style="text-align: center;">“(4) This section applies to elections to the European Parliament in England, Wales or Scotland.”.</p> <p>In subsection (6) omit from “as if” to the end.</p>
Section 13BA(b) (alteration of registers in Northern Ireland: pending elections)	For subsection (12) substitute— <p style="text-align: center;">“(12) This section applies to elections in Northern Ireland to the European Parliament.”.</p>
Section 13C (electoral identity card: Northern Ireland)(c)	For subsection (7) substitute— <p style="text-align: center;">“(7) In this section “determine” means determine in accordance with the Representation of the People Regulations as applied by the 2001 Regulations.”.</p>
Section 50 (effect of misdescription)	
Section 52 (discharge of registration duties)(d)	In subsections (1) and (4) after “this Act” insert “and the 2001 Regulations”.
Section 54 (payment of expenses of registration)(e)	In subsection (1) for “under this Act” substitute “under the 2001 Regulations”.  Omit subsection (3).

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- (a) Section 13B, together with sections 13 and 13A, was substituted for section 13 as originally enacted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsections (1) and (2) were substituted by and subsections (3A) to (3E) were inserted by section 11 of the Electoral Administration Act 2006 (c.22). Subsection (4) was amended by section 6 of, and paragraph 30 of Schedule 5 to, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).
- (b) Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).
- (c) Section 13C was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13).
- (d) Section 52(1) and (2) to (5) was amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c.50). Subsection (1A) was inserted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) and subsection (4) was amended by paragraph 68 of Schedule 16 and Schedule 18 to the Local Government (Wales) Act 1994 (c.19) and paragraph 130(5) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).
- (e) Section 54(1) and (3) was amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c.50).

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
Section 56 (registration appeals: England and Wales)(a)	<p>In subsection (1)—</p> <p>(a) in paragraph (a), after “this Act” insert “or the 2001 Regulations”;</p> <p>(b) for paragraph (aa) substitute—</p> <p style="padding-left: 40px;">“(aa) from any decision under the 2001 Regulations of the registration officer that a person registered in the register of European Parliamentary electors maintained under regulation (5)(2) of the 2001 Regulations was not entitled to be registered,”; and</p> <p>(c) omit paragraph (b).</p>
Section 57 (registration appeals: Scotland)	
Section 58 (registration appeals: Northern Ireland)(b)	<p>In subsection (1)—</p> <p>(a) in paragraph (a) after “this Act” insert “or the 2001 Regulations”;</p> <p>(b) for paragraph (b) substitute—</p> <p style="padding-left: 40px;">“(b) from any decision under the 2001 Regulations of the Chief Electoral Officer that a person registered in the register of European Parliamentary electors maintained under regulation (5)(2) of the 2001 Regulations was not entitled to be registered,”; and</p> <p>(c) omit paragraph (c).</p>
Section 62 (offences as to declarations)(c)	<p>In subsection (1)(a)—</p> <p>(a) omit “or a service declaration”;</p> <p>(b) in sub-paragraph (i) omit “or section 15(1)”;</p> <p>(c) in sub-paragraph (iii) at the end omit “or”.</p> <p style="text-align: center;">Omit subsections (1)(b) and (2).</p>

- (a) Section 56(1)(a) was amended by paragraphs 1 and 14 of Schedule 1 to, and subsection (1)(d) was repealed by paragraphs 1 and 14 of Schedule 1 and Schedule 7 to, the Representation of the People Act 2000 (c.2). Subsection (1)(aa) was inserted by section 12 of, and subsection (1)(ab) was inserted by paragraphs 2 and 8 of Schedule 1 to, the Electoral Administration Act 2006 (c.22). Subsection (1)(b) was amended by paragraph 1 of Schedule 2 to, subsection (1)(c) was repealed by paragraph 16 of Schedule 4 and Schedule 5 to, the Representation of the People Act 1985 (c.50). Subsection (4) was amended by paragraphs 1 and 14 of Schedule 1 and Schedule 7 to the Representation of the People Act 2000 (c.2). Subsection (4A) was inserted by paragraph 16 of Schedule 4 to the Representation of the People Act 1985 (c.2) and amended by paragraphs 1 and 14 of Schedule 1 to the Representation of the People Act 2000 (c.2) and section 11(5) of the Electoral Administration Act 2006 (c.22). Subsection (6) was repealed by Schedule 5 to the Representation of the People Act 1985 (c.50).
- (b) Section 58 was substituted by paragraph 5 of Schedule 4 to, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).
- (c) Section 62(1) was substituted by paragraphs 1 and 17 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (1A) was inserted by, and subsection (2) was amended by, paragraphs 2 and 9 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).



<i>1</i>	<i>2</i>
<i>Provision applied</i>	<i>Modification</i>
Section 63 (breach of official duty), subsections (1) to (3)(a)	In subsection (3)— <ul style="list-style-type: none"> <li>(a) for paragraphs (a) to (d) substitute— <ul style="list-style-type: none"> <li>“(a) any registration officer.”;</li> </ul> </li> <li>(b) in paragraph (e) for “any of paragraphs (a) to (d)” substitute “paragraph (a)”; and</li> <li>(c) for the words from “relating to” to the end, substitute “relating to the registration of relevant citizens of the Union as European Parliamentary electors”.</li> </ul>
Section 119 (computation of time for purposes of Part II)(b)	In the heading for “Part II” substitute “section 13A and 13B”. <p>In subsection (1)—</p> <ul style="list-style-type: none"> <li>(a) for “this Part of this Act” substitute “section 13A or 13B”; and</li> <li>(b) in paragraph (b) for “this Part” substitute “section 13A or 13B”.</li> </ul>
Section 202 (general provisions as to interpretation)(c)	In subsection (1)— <ul style="list-style-type: none"> <li>(a) omit all of the definitions except “anonymous entry”, “citizen of the Union”, “dwelling” and “qualifying address”; and</li> <li>(b) insert, at the appropriate places— <ul style="list-style-type: none"> <li>““2001 Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(d),”.</li> <li>““prescribed” in the following sections means prescribed by the Representation of the People Regulations as applied by the 2001 Regulations—</li> <li>9(2)(a) and (b);</li> <li>9B(1)(a) and (c) and (3)(b);</li> <li>10A(3);</li> <li>13A(2);</li> </ul> </li> </ul>

- (a) Section 63 was substituted for sections 63 and 64 as originally enacted by Schedule 4 to the Representation of the People Act 1985 (c.50). Subsection (3)(ba) was inserted by section 7 of, and subsection (3)(c) was amended by section 41(8) of, the Electoral Administration Act 2006 (c.22). Subsection (3)(d) was amended by S.I.2001/1149.
- (b) Section 119(2) and (3) was substituted by section 19(4) of the Representation of the People Act 1985 (c.50) and subsection (2) was amended by section 20 of, and paragraphs 49 and 51 of Schedule 1 and Schedule 2 to, the Electoral Administration Act 2006 (c.22) and section 30(1) and (2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (2006 asp 14).
- (c) The definition of “anonymous entry” was inserted by paragraphs 2 and 13 of Schedule 1 to the Electoral Administration Act 2006 (c.22), the definition of “citizen of the Union” was inserted by S.I.1995/1948 and the definitions of “dwelling” and “qualifying address” were inserted by Schedule 1 to the Representation of the People Act 2000 (c.2).
- (d) S.I. 2001/1184.

<i>1</i> <i>Provision applied</i>	<i>2</i> <i>Modification</i>
	13B(3), (3A)(a), (3B), (3C)(a), (3D) and (3E);
	13BA(3), (7)(a), (8)(a), (10) and (11)(a);
	13C(1);
	56(1) and (5); and
	58(2) and (6)(a),”.
	““Representation of the People Regulations” means—
	(a) in relation to England and Wales, the Representation of the People (England and Wales) Regulations 2001(a);
	(b) in relation to Scotland, the Representation of the People (Scotland) Regulations 2001(b); and
	(c) in relation to Northern Ireland, the Representation of the People (Northern Ireland) Regulations 2008(c);”.

**PART II**  
**THE REPRESENTATION OF THE PEOPLE (ENGLAND AND WALES)**  
**REGULATIONS 2001**

Regulation 3 (interpretation)(d)

Regulation 5 (communication of applications, notices etc.)(e)

Regulation 6 (electronic signatures and related certificates)

Regulation 7 (copies of documents)(f)

Omit paragraph (6).

Regulation 8 (time)(g)

Regulation 11 (interference with notices etc.)

Regulation 24 (evidence as to age and nationality)

In paragraph (2) for sub-paragraphs (b) to (d) substitute—

“(b) evidence of his status as a national of a Member State or a statutory declaration as to that nationality.”.

(a) S.I. 2001/341.

(b) S.I. 2001/497 (S.2).

(c) S.I. 2008/1741, which revoked and replaced S.I. 2001/400.

(d) Regulation 3 was amended by S.I. 2001/1700, 2002/1871 and S.I. 2006/2910.

(e) Regulations 5 and 6 were amended by S.I. 2006/2910.

(f) Regulation 7 was amended by S.I. 2002/1871 and S.I. 2006/2910.

(g) Regulations 8 and 24 were amended by S.I. 2006/2910.

Regulation 27 (objections to registration)(a)	
Regulation 28 (inspection of applications and objections)	
Regulation 29 (procedure for determining applications for registration and objections without a hearing)	Omit paragraph (8).
Regulation 30 (notice of hearing)	
Regulation 31 (hearing of applications and objections)	
Regulation 31A (objections relating to applications that have been allowed, but before alterations to register have taken effect)(b)	
Regulation 31B (other determinations by registration officer of entitlement to registration)	In paragraph (1) for “regulations 31C to 31F” substitute “regulations 31D to 31F”. In paragraph (2)— (a) in sub-paragraph (a)— (i) in paragraph (i) for “, 7C(2)(aa), and 15(2)(aa) of the 1983 Act, and” substitute “and 7C(2)(aa) of the 1983 Act.”; and (ii) omit paragraph (ii); and (b) omit sub-paragraph (b).
Regulation 31D (procedure for reviewing entitlement to registration)	In paragraphs (5) and (8) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act”.
Regulation 31E (list of reviews)	
Regulation 31F (hearing of reviews)	In paragraph (6) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act”.
Regulation 31G (anonymous registration: applications and declarations)	In paragraph (1)(b) for “regulation 26(1)(b)” substitute “regulation 6(1)(b) of the 2001 Regulations”.
Regulation 31H (anonymous registration: determination of applications by registration officer)	
Regulation 31I (anonymous registration: evidence consisting of relevant court orders or injunctions)	
Regulation 31J (anonymous registration: evidence by attestation)	

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(a) Regulations 27 to 29 were amended by S.I. 2006/2910  
(b) Regulations 31A, 31B and 31D to 31J were inserted by S.I. 2006/2910.

Regulation 32 (registration appeals)(a)	In paragraph (1), for sub-paragraph (b) substitute—  “(b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31D to 31F that a person was not entitled to be registered;”
Regulation 32A (representations regarding clerical errors)(b)	
Regulation 36(2) and (3) (notices in connection with registration)(c)	In paragraph (2)—  (a) for “that Act” substitute “the 1983 Act”; and  (b) in sub-paragraph (b) omit “except in a case falling within regulation 31C(2)(b) above,”.
Regulation 36A (communication of notices made on polling day)(d)	
Regulation 38 (separate part of a register for each parliamentary polling district)	
Regulation 39 (different letter for each parliamentary polling district)	
Regulation 40 (qualifying addresses which are not included in the register)	In paragraph (1)—  (a) in sub-paragraph (a), at the end omit “or”; and  (b) omit sub-paragraph (b).  Omit paragraph (2)(a) and the “or” following it.
Regulation 41 (order of names)	
Regulation 41A(e) (anonymous entries)	
Regulation 45A (record of anonymous entries)	
Regulation 45B (duties of registration officer and his staff in relation to record of anonymous entries)	
Regulation 45C (supply of record of anonymous entries to returning and counting officers)	
Regulation 45E (supply of record of anonymous entries to the security services)	
Regulation 45F (supply of the record of	

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(a) Regulation 32 was amended by S.I. 2006/2910.  
(b) Regulation 32A was inserted by S.I. 2006/2910.  
(c) Regulation 36 was amended by S.I. 2002/1871 and S.I. 2006/2910.  
(d) Regulations 36A was inserted by S.I. 2006/2910.  
(e) Regulations 41A, 45A to 45C and 45E to 45F were inserted by S.I. 2006/2910.

anonymous entries to police forces and other organisations)

Regulation 45G (certificate of anonymous registration)(a)

### **THE REPRESENTATION OF THE PEOPLE (SCOTLAND) REGULATIONS 2001**

Regulation 3 (interpretation)(b)

Regulation 5 (communication of applications, notices etc.)(c)

Regulation 6 (electronic signatures and related certificates)

Regulation 7 (copies of documents)(d) Omit paragraph (6).

Regulation 8 (time)(e)

Regulation 11 (interference with notices etc.)

Regulation 24 (evidence as to age and nationality) In paragraph (2) for sub-paragraphs (b) to (d) substitute—

“(b) evidence of his status as a national of a Member State or a statutory declaration as to that nationality.”.

Regulation 27 (objections to registration)

Regulation 28 (inspection of applications and objections)

Regulation 29 (procedure for determining applications for registration and objections without a hearing) Omit paragraph (8).

Regulation 30 (notice of hearing)

Regulation 31 (hearing of applications and objections)

Regulation 31A (objections relating to applications that have been allowed, but before alterations to register have taken effect)(f)

Regulation 31B (other determinations by registration officer of entitlement to registration) In paragraph (1) for “regulations 31C to 31F” substitute “regulations 31D to 31F”.

In paragraph (2)—

(a) in sub-paragraph (a)—

(i) in paragraph (i) for “, 7C(2)(aa), and 15(2)(aa) of the 1983 Act, and” substitute “and 7C(2)(aa) of

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(a) Regulations 45G was inserted by S.I. 2006/2910.

(b) Regulation 3 was amended by S.I. 2002/1872 (S.7) and S.I. 2007/925 (S.2).

(c) Regulations 5 and 6 were amended by S.I. 2007/925 (S.2).

(d) Regulation 7 was amended by S.I. 2002/1872 (S.7) and S.I. 2007/925 (S.2).

(e) Regulations 8, 24 and 27 to 29 were amended by S.I. 2007/925 (S.2).

(f) Regulation 31A and 31B were inserted by S.I. 2007/925 (S.2).

	the 1983 Act.”; and
	(ii) omit paragraph (ii); and
	(b) omit sub-paragraph (b).
Regulation 31D (procedure for reviewing entitlement to registration)(a)	In paragraphs (5) and (8) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act”.
Regulation 31E (list of reviews)	
Regulation 31F (hearing of reviews)	In paragraph (6) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act”.
Regulation 31G (anonymous registration: applications and declarations)	In paragraph (1)(b) for “regulation 26(1)(b)” substitute “regulation 6(1)(b) of the 2001 Regulations”.
Regulation 31H (anonymous registration: determination of applications by registration officer)	
Regulation 31I (anonymous registration: evidence consisting of relevant court orders or injunctions)	
Regulation 31J (anonymous registration: evidence by attestation)	
Regulation 32 (registration appeals)(b)	In paragraph (1), for sub-paragraph (b) substitute—  “(b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31D to 31F that a person was not entitled to be registered;”.
Regulation 32A (representations regarding clerical errors)(c)	
Regulation 36(2) and (3) (notices in connection with registration)(d)	In paragraph (2)—  (a) for “that Act” substitute “the 1983 Act”; and  (b) in sub-paragraph (b) omit “except in a case falling within regulation 31C(2)(b) above;”.
Regulation 36A (communication of notices made on polling day)(e)	
Regulation 38 (separate part of a register for	

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(a) Regulations 31D to 31J were inserted by S.I. 2007/925 (S.2).  
(b) Regulation 32 was amended by S.I. 2007/925 (S.2).  
(c) Regulation 32A was inserted by S.I. 2007/925 (S.2).  
(d) Regulation 36 was amended by S.I. 2002/1872 (S.7) and S.I. 2007/925 (S.2).  
(e) Regulation 36A was inserted by S.I. 2007/925 (S.2).

each parliamentary polling district)

Regulation 39 (different letter, number or combination of letter and number for each parliamentary polling district)

Regulation 40 (qualifying addresses which are not included in the register) In paragraph (1)—

(a) in sub-paragraph (a), at the end omit “or”; and

(b) omit sub-paragraph (b).

Omit paragraph (2)(a) and the “or” following it.

Regulation 41 (order of names)

Regulation 41A (anonymous entries)(a)

Regulation 45A (record of anonymous entries)

Regulation 45B (duties of registration officer and his staff in relation to record of anonymous entries)

Regulation 45C (supply of record of anonymous entries to returning and counting officers)

Regulation 45D (supply of record of anonymous entries to the security services)

Regulation 45E (supply of the record of anonymous entries to police forces and other organisations)

Regulation 45F (certificate of anonymous registration)

## **THE REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 2008**

Regulation 3 (interpretation)

Regulation 5 (communication of applications, notices, etc.)

Regulation 6 (electronic signatures and related certificates)

Regulation 7 (copies of documents)

Regulation 8 (time)

Regulation 11 (interference with notices, etc.)

Regulation 13 (applications for an electoral identity card) For paragraph (2)(a) substitute—

“(a) a person who is registered in a register of European Parliamentary electors maintained under regulation

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(a) Regulations 41A, 45A to 45F were inserted by S.I. 2007/925 (S.2).

5(2) of the 2001 Regulations; or  
”.

Regulation 25 (alteration of registers under section 13BA(3) of the 1983 Act)	In paragraph (3)— <ul style="list-style-type: none"><li>(a) omit sub-paragraph (d); and</li><li>(b) in sub-paragraph (e) omit “a qualifying Commonwealth citizen or citizen of Ireland or”.</li></ul>
	In paragraph (4)— <ul style="list-style-type: none"><li>(a) omit sub-paragraph (c);</li><li>(b) in sub-paragraph (d) omit “a qualifying Commonwealth citizen or citizen of Ireland or”; and</li><li>(c) for sub-paragraph (e) substitute—<ul style="list-style-type: none"><li>“(e) a passport issued by a Member State of the European Union.”.</li></ul></li></ul>
	In paragraph (6) for “section 4 of the 1983 Act” substitute “regulation 4 of the 2001 Regulations”.
Regulation 28 (objections to registration)	
Regulation 29 (inspection of applications and objections)	
Regulation 30 (procedure for determining applications for registration and objections without a hearing)	Omit paragraph (15).
Regulation 31 (notice of hearing)	
Regulation 32 (hearing of applications and objections)	
Regulation 33 (objections relating to applications which have been allowed, but before alterations to the register have taken effect)	
Regulation 34 (other determinations by registration officer of entitlement to registration)	In paragraph (1) for “regulations 35 to 38” substitute “regulations 36 to 38”  In paragraph (2)— <ul style="list-style-type: none"><li>(a) in sub-paragraph (a)—<ul style="list-style-type: none"><li>(i) in paragraph (i) for “, 7C(2)(aa), and 15(2)(aa) of the 1983 Act, and” substitute “and 7C(2)(aa) of the 1983 Act.”; and</li><li>(ii) omit paragraph (ii); and</li></ul></li><li>(b) omit sub-paragraph (b).</li></ul>
Regulation 36 (procedure for reviewing entitlement to registration)	In paragraphs (4) and (7) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act”.



Regulation 37 (list of reviews)	
Regulation 38 (hearing of reviews)	In paragraph (6) omit “or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act”.
Regulation 39 (registration appeals)	In paragraph (1) for sub-paragraph (b) substitute— “(b) the decision of the registration officer made under section 58(1)(b) of the 1983 Act in accordance with regulations 36 to 38 that a person was not entitled to be registered.”.
Regulation 40 (representations regarding clerical errors)	
Regulation 44(2) and (3) (notices in connection with registration)	In paragraph (2)— (a) for “that Act” substitute “the 1983 Act”; and (b) in sub-paragraph (c) omit “except in a case falling within regulation 35(2)(d),”.
Regulation 45 (communication of notices made on polling day)	
Regulation 47 (separate part of register for each parliamentary polling district)	
Regulation 48 (different letter for each parliamentary polling district)	
Regulation 49 (qualifying addresses which are not included in the register)	In paragraph (1)— (a) in sub-paragraph (a), at the end omit “or”; and (b) omit sub-paragraph (b).  Omit paragraph (2)(a) and the “or” following it.
Regulation 50 (order of names)	”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184) (“the 2001 Regulations”), which provide for registration of those citizens of the European Union who are resident in the United Kingdom (and are not Commonwealth citizens or citizens of the Republic of Ireland) as European Parliamentary electors. The 2001 Regulations give effect to Article 19.2 of the Treaty establishing the European Community and the requirements of the Directive of the Council of the European Communities No.93/109/EC (“the Directive”) concerning arrangements for the exercise of the right to vote in the elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

Regulation 2(2) of these Regulations amends regulation 8(1) of the 2001 Regulations. Regulation 8(1) requires the registration officer to supply to the Secretary of State a copy of each application to be registered as a European Parliamentary elector and declaration made in pursuance of regulation 6 of the 2001 Regulations. This gives effect to article 13 of the Directive. The amendment means that instead of the officer being required to send a copy of the application and declaration the officer is now required to send information contained in the application and declaration.

The amendment made by regulation 2(3) to regulation 9(1)(b) of the 2001 Regulations reflects the fact that the Representation of the People (Northern Ireland) Regulations 2001 have been replaced with the Representation of the People (Northern Ireland) Regulations 2008. This is also reflected in the Schedule to these Regulations.

The main amendment to the 2001 Regulations is made by regulation 2(4) which substitutes the Schedule to the 2001 Regulations with the Schedule to these Regulations. The new Schedule applies a number of changes that have already been made to the system of registration of parliamentary and local government electors to the registration of relevant citizens of the Union as European Parliamentary electors. Like the Schedule to the 2001 Regulations, the Schedule to these Regulations applies, with modifications, certain provisions of the Representation of the People Act 1983 (“the 1983 Act”) and regulations made under that Act about the registration of parliamentary and local government electors. The regulations made under the 1983 Act are the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497 (S 2)) and the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) which have replaced the Representation of the People (Northern Ireland) Regulations 2001 (S.I. 2001/400). The 1983 Act and these regulations have been amended, principally by the Electoral Administration Act 2006 (c.22) (“the 2006 Act”) and subordinate legislation made under that Act. The Schedule to these Regulations incorporates the content of the Schedule to the 2001 Regulations and also applies the recent changes to the registration system. The principal changes relate to late registration and anonymous registration in England and Wales and Scotland. Anonymous registration is not yet available in Northern Ireland.

Section 9B of the 1983 Act provides for persons to apply to be entered in a register of parliamentary or local government electors anonymously, where they show that their safety (or that of another person of their household) is at risk. New regulations, including regulations 31G to J, inserted into the Representation of the People Regulations for England and Wales and Scotland set out the procedure for applying for an anonymous entry and evidence that must be provided. The Schedule to these Regulations applies these provisions so that relevant citizens of the Union can apply to be entered anonymously in a register maintained under regulation 5(2) of the 2001 Regulations. The Schedule contains a modification to section 9B so that where a relevant citizen of the Union already has an anonymous entry in a register of local government electors they shall be anonymously registered in a register maintained under regulation 5(2) of the 2001 Regulations. They are not required to make a separate application.

Sections 13B and 13BA of the 1983 Act concern alterations to the electoral registers during a period when an election is pending in England, Wales and Scotland and Northern Ireland respectively. They move the deadline for applying for registration closer to the day of poll so that a person is entitled to vote in an election if their registration has taken effect by the fifth day before polling day. The Schedule applies these provisions to the registration of relevant Citizens of the Union to vote at European Parliamentary elections.

A full Impact Assessment has not been produced for this Instrument and no impact on the private or voluntary sector is foreseen.

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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**REPRESENTATION OF THE PEOPLE**

The European Parliamentary Elections (Franchise of Relevant  
Citizens of the Union) (Amendment) Regulations 2009

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