

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

**REPRESENTATION OF THE
PEOPLE, NORTHERN IRELAND**

**The Representation of the People (Northern
Ireland) (Amendment) Regulations 2014**

Made - - - - *****
Coming into force - - *15th September 2014*

In accordance with section 201(2) of the Representation of the People Act 1983(1), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(2), the Secretary of State has consulted with the Electoral Commission prior to these Regulations being made.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by the provisions which are specified in Schedule 1 to these Regulations.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2014 and come into force on 15th September 2014.

(2) These Regulations extend only to Northern Ireland.

(3) In the following provisions of these Regulations, unless otherwise stated, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Representation of the People (Northern Ireland) Regulations 2008(3).

Amendment of the Representation of the People (Northern Ireland) Regulations 2008

2. In regulation 3 (interpretation), after the definition of “candidate” insert—

(1) 1983, c. 2; section 201(2) was substituted by section 24 of, and paragraph 69 of Schedule 4 to, the Representation of the People Act 1985 (c. 50), and amended by S.I. 1991/1728 and section 158 of, and paragraph 6 of Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41).
(2) 2000 c. 41; amendments have been made to section 7 but they are not relevant to these Regulations.
(3) S.I. 2008/1741; any relevant amendments are referenced in these Regulations.

““certificate of anonymous registration” means a certificate issued in pursuance of regulation 53D;”.

3. For regulation 9 substitute—

“Official poll card and postal poll card at parliamentary elections

9.—(1) The following forms are prescribed for the purpose of rule 28(3) of the elections rules(4).

(2) The official poll card issued to an elector must be in Form A.

(3) The official postal poll card issued to an elector who is on the absent voters list for the election (kept under section 7(4) of the 1985 Act) must be in Form A1.

(4) The official poll card issued to the proxy of an elector must be in Form B.

(5) The official postal poll card issued to the proxy of an elector who is entitled to vote by post as proxy at the election must be in Form B1.”

4. After regulation 26 insert—

“Reminders to persons who have an anonymous entry

26A.—(1) This regulation applies to a person (“P”) who has an anonymous entry in the register of parliamentary or local electors.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to P a reminder that P’s entitlement to be registered will terminate on the determined date and that—

(a) if P wishes to remain entered in the register anonymously after that date, P must make a fresh application for an anonymous entry under section 9B(1)(b) of the 1983 Act(5);

(b) if P wishes to remain entered in the register without an anonymous entry, P must make a fresh application for registration under section 10A(1)(a) of the 1983 Act(6).

(3) Paragraph (2) does not apply (or ceases to apply) where the registration officer has received from P a fresh application for an anonymous entry under section 9B(1)(b) of the 1983 Act.

(4) In this regulation—

“the determined date” is the date on which P’s entitlement to remain registered will terminate under section 9C(1A) of the 1983 Act(7);

“the relevant period” is the period beginning six months before the determined date and ending three months before that date.”.

5.—(1) Regulation 27 (applications for registration) is amended as follows.

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- (4) Under regulation 2 of the [S.I. 2008/1741](#), the elections rules means the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 (c. 2). Rule 28(3) was amended by paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (5) Sections 9B and 9C were inserted by section 10 of the Electoral Administration Act 2006 (c. 22), amended by paragraphs 7 and 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), extended to Northern Ireland by article 2 of [S.I. 2014/1116](#), and amended by article 3 of that instrument.
- (6) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Section 10A(1A) and (1B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). Other amendments to section 10A are not relevant.
- (7) Section 9C(1A) was inserted by article 3 of [S.I. 2014/1116](#).

(2) In paragraph (1)—

- (a) at the end of sub-paragraph (e), omit “and”;
- (b) in sub-paragraph (f), after “applicant” insert “whose application is not accompanied by an application for an anonymous entry and”;
- (c) at the end of sub-paragraph (f) insert “and” and after that sub-paragraph insert—
 - “(g) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.”.

(3) After paragraph (9) insert—

“(10) Paragraphs (6) to (9) do not apply to an application for registration which is accompanied by an application for an anonymous entry.”.

6. In regulation 29 (inspection of applications and objections), the existing text becomes paragraph (1) of that regulation and after paragraph (1) insert—

“(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.”.

7.—(1) Regulation 30 (procedure for determining applications for registration and objections without a hearing) is amended as follows.

(2) After paragraph (3) insert—

“(3A) Paragraph (3) does not apply to an application accompanied by an application for an anonymous entry.”.

(3) At the beginning of paragraph (7) insert “Subject to paragraph (7A),”.

(4) After paragraph (7) insert—

“(7A) In the case of an application for registration accompanied by an application for an anonymous entry, the registration officer may allow the application for registration without a hearing at any time.”.

8. In regulation 36 (procedure for reviewing entitlement to registration), after paragraph (2) insert—

“(2A) Paragraph (2)(b) does not apply where the subject of the review has an anonymous entry.”.

9. In regulation 37 (list of reviews), after paragraph (3) insert—

“(4) This regulation does not apply to any review where the subject of the review has an anonymous entry.”.

10. After regulation 38 insert—

“Anonymous registration: applications and declarations

38A.—(1) An application for an anonymous entry must state—

- (a) the applicant’s full name,
- (b) the address given in accordance with regulation 27(1)(b),
- (c) the reason for the application, and
- (d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by—

- (a) evidence of the nature prescribed in regulation 38C or 38D, and

- (b) an application for an absent vote.
- (4) Where the evidence mentioned in paragraph (3)(a) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.
- (5) The application must be accompanied by a declaration made by the applicant that—
 - (a) the particulars given in accordance with paragraph (1) are true,
 - (b) so far as the applicant is aware, the evidence provided in pursuance of paragraph (3)(a) is genuine, and
 - (c) where paragraph (4) applies—
 - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
 - (ii) so far as the applicant is aware, the evidence provided in pursuance of paragraph (4) is genuine.
- (6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).
- (7) In this regulation, “an application for an absent vote” means—
 - (a) in relation to parliamentary elections, an application under section 6 of the 1985 Act⁽⁸⁾;
 - (b) in relation to local elections, an application under paragraph 1 of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985⁽⁹⁾.

Anonymous registration: determination of applications by the registration officer

- 38B.**—(1) Paragraph (2) applies where—
- (a) in the case of an application under section 9B(1)(a) of the 1983 Act, the registration officer determines that the applicant for an anonymous entry is entitled to be registered, and
 - (b) in the case of an application under section 9B(1)(a) or (b) of that Act, the application for an anonymous entry is made in accordance with regulation 38A.
- (2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where that officer is satisfied—
- (a) that the evidence provided in support of the application in pursuance of regulation 38A(3)(a) constitutes evidence of the nature prescribed in regulation 38C or 38D, and
 - (b) in the case of an application where paragraph (4) of regulation 38A applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.
- (3) The registration officer must determine the date on which the applicant’s entitlement to remain registered with an anonymous entry terminates (the “date of termination”) in accordance with paragraphs (4) and (5).

(8) 1985 c. 50; sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the Representation of the People Act 2000 (c. 2); sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the Representation of the People Act 2000 (c. 2), and by article 6 of S.I. 2014/1116.

(9) S.I. 1985/454; paragraph 1 was amended by S.I. 2002/2835, S.I. 2005/1969 and S.I. 2010/2977.

(4) Where the evidence provided under regulation 38A(3)(a) is evidence of the nature prescribed in regulation 38C, the date of termination is whichever is the earlier of the following—

- (a) the date on which the relevant order or injunction will expire or will cease to be a relevant order or injunction within the meaning of regulation 38C(3)(a)(10) (where such a date is specified in the relevant order or injunction), or
- (b) the end of the period of five years, beginning with—
 - (i) in the case of an application under section 9B(1)(a) of the 1983 Act, the date when the person's entry in the register first takes effect; or
 - (ii) in the case of an application under section 9B(1)(b) of that Act, the date when the Chief Electoral Officer determines under section 9B(2) of that Act that the safety test is satisfied.

(5) Where the evidence provided under regulation 38A(3)(a) is evidence of the nature prescribed in regulation 38D, the date of termination is the date on which the attestation will cease to have effect under regulation 38D(3)(11).

Anonymous registration: evidence consisting of relevant court orders or injunctions

38C.—(1) Evidence which meets the following conditions is prescribed for the purpose of regulation 38A(3)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

- (a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(12);
- (b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997;
- (c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997;
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
- (e) a non-harassment order, interdict or interim interdict made under section 8 or 8A of the Protection from Harassment Act 1997;
- (f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(13);

(10) An order might cease to be a relevant order or injunction within the meaning of regulation 38C(3) where, although the order remains in force, the power of arrest attached to that order has expired (see regulation 38C(3)(p)).

(11) An attestation under regulation 38D(3) can have effect for a maximum period of five years from the date the attestation was made.

(12) 1997 c. 40; sections 3, 3A and 5 were amended by section 125 of the Serious Organised Crime and Police Act 2005 (c. 15). Section 5 was amended by section 12 of, paragraph 43 of Schedule 10 to, and Schedule 11 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 5A was inserted by section 12 of the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 8 was amended by section 1 of the Domestic Abuse (Scotland) Act 2011 asp 13 and section 16 of, and Schedule 2 to, the Damages (Scotland) Act 2011 asp 7. Section 8A was inserted by section 1(2) of the Domestic Abuse (Scotland) Act 2011 asp 13.

(13) 1995 c. 46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c. 40) and was amended by section 15 of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13, section 49 of the Criminal Justice (Scotland) Act 2003 asp 7, and Schedule 3 to the Crime and Punishment (Scotland) Act 1997 (c. 48).

- (g) a non-molestation order made under section 42(2) of the Family Law Act 1996**(14)**;
 - (h) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997**(15)**;
 - (i) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997;
 - (j) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997;
 - (k) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998**(16)**.
 - (l) a matrimonial interdict within the meaning of section 14 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981**(17)**;
 - (m) a domestic interdict within the meaning of section 18A of the Matrimonial Homes (Family Protection) (Scotland) Act 1981;
 - (n) a relevant interdict within the meaning of section 113 of the Civil Partnership Act 2004**(18)**;
 - (o) an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the Domestic Abuse (Scotland) Act 2011**(19)**;
 - (p) any interdict with an attached power of arrest made under section 1 of the Protection from Abuse (Scotland) Act 2001**(20)**; or
 - (q) a forced marriage protection order or interim forced marriage protection order made under any of the following provisions—
 - (i) Part 4A of the Family Law Act 1996**(21)**;
 - (ii) section 2 of, and paragraph 1 of Schedule 1 to, the Forced Marriage (Civil Protection) Act 2007**(22)**;
 - (iii) section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011**(23)**;
 - (iv) section 5 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011.
- (4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—
- (a) the applicant for an anonymous entry, or
 - (b) another person of the same household as the applicant.

(14) 1996 c. 27; section 42 was amended by Schedules 10 and 11 to the Domestic Violence, Crime and Victims Act 2004 (c. 28), and by Schedule 9 to the Civil Partnership Act 2004 (c. 33).

(15) S.I. 1997/1180 (N.I. 9); article 7 was amended by section 13 of, paragraph 47 of Schedule 10 to, and Schedule 11 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28); article 7A was inserted by section 13 of that Act.

(16) S.I. 1998/1071 (N.I. 6); article 20 was amended by section 206 of, and paragraph 15 of Schedule 19 to, the Civil Partnership Act 2004 (c. 13) and by S.I. 2005/1452.

(17) 1981 c. 59; section 14 was amended by section 10 of, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2, and by S.S.I. 2006/384; section 18A was inserted by section 31 of the Family Law (Scotland) Act 2006 asp 2.

(18) 2004 c. 33; section 113 was amended by sections 33 and 45 of, paragraph 8 of Schedule 1 to, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2, and by S.S.I. 2006/384.

(19) 2011 asp 13.

(20) 2001 asp 14; section 1 was amended by sections 32 and 45 of, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2.

(21) 1996 c. 27; Part 4A was inserted by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c. 20), and amended by paragraphs 139 to 142 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) (not yet in force).

(22) 2007 c. 20.

(23) 2011 asp 15.

(5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

Anonymous registration: evidence by attestation

38D.—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulation 38A(3)(a).

(2) The attestation must—

- (a) certify that the safety of the applicant, or of another named person of the same household as the applicant, would be at risk if the register contained the name of the applicant or the applicant’s qualifying address,
- (b) state the date on which it is made, and
- (c) be in writing and signed by a qualifying officer.

(3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.

(4) Qualifying officer means—

- (a) a police officer of or above the rank of superintendent of the Police Service of Northern Ireland;
- (b) a police officer of or above the rank of superintendent of any police force in England and Wales;
- (c) a police officer of or above the rank of superintendent of the Police Service of Scotland;
- (d) the Director General of the Security Service;
- (e) the Director General of the National Crime Agency;
- (f) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970⁽²⁴⁾;
- (g) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970;
- (h) any director of children’s services in England within the meaning of section 18 of the Children Act 2004⁽²⁵⁾;
- (i) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968⁽²⁶⁾;
- (j) the director of social care and children of the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009⁽²⁷⁾;
- (k) any executive director of social work of a Health and Social Services Trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991⁽²⁸⁾.

(24) 1970 c. 42; subsection (A1) was inserted by, and subsection (1) was amended by, paragraph 2 of Schedule 2 to the Children Act 2004 (c. 31).

(25) 2004 c. 31; section 18 was amended by section 16 of, and Part 2 of Schedule 3 to, the Childcare Act 2006 (c. 21); paragraph 266 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); Schedule 2 to the Further Education and Training Act 2007 (c. 25); section 194 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); and S.I. 2010/1158.

(26) 1968 c. 49; section 3 was substituted by section 45 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(27) 2009 c. 1.

(28) S.I. 1991/194 (N.I. 1); article 10 was amended by sections 32 and 34 of, and paragraph 13 of Schedule 6 to, the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

Anonymous registration: review of entitlement to an anonymous entry

38E.—(1) The registration officer must discharge the function under section 9C(1B)(b) of the 1983 Act(29) in accordance with this regulation.

(2) The registration officer may conduct a review in respect of a person entered in the register with an anonymous entry (“P”).

(3) P may require a hearing of the review.

(4) Where the registration officer is of the opinion that the safety test is no longer satisfied in respect of P, that officer must, as that officer considers appropriate, send to P a notice which—

- (a) states that the registration officer is of the opinion that the safety test is no longer satisfied in respect of P, the grounds for that officer’s opinion and that P may require a hearing of the review by notifying the registration officer within 14 days beginning with the date of the notice;
- (b) states the reason for the review and requires P 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.

(5) Where—

- (a) the registration officer sends to P a notice in the form specified in paragraph (4) (a); and
- (b) P does not, within 14 days beginning with the date of that notice, notify the registration officer that P requires the review to be heard,

the registration officer may determine without a hearing that the safety test is no longer satisfied in respect of P.

(6) Where—

- (a) the registration officer sends to P a notice in the form specified in paragraph (4) (b); and
- (b) P does not respond to the registration officer’s satisfaction, or at all, within 28 days beginning with the date of that notice,

the registration officer may send a further notice to P which states that he is of the opinion that the safety test is no longer satisfied in respect of P, the grounds for his opinion and that P may require a hearing of the review by notifying the registration officer within 14 days beginning with the date of the notice.

(7) Where—

- (a) the registration officer sends to P a further notice in pursuance of paragraph (6); and
- (b) P does not, within 14 days beginning with the date of that notice, notify the registration officer that P requires the review to be heard,

the registration officer may determine without a hearing that the safety test is no longer satisfied in respect of P.

(8) Where the registration officer determines that a hearing of the review should be conducted, the notice given under paragraph (4)(c) must also state the time and place at which that officer proposes to hear the review.

(29) Section 9C(1B) was inserted by article 3 of [S.I. 2014/1116](#).

(9) Paragraphs (2) to (5) of regulation 38 apply to the hearing of a review under this regulation as they apply to the hearing of a review under regulations 36 to 38 (reading references to the “subject of the review” as references to “P”).

(10) The registration officer may determine that the safety test is no longer satisfied in respect of P, despite the failure of P (or any other person entitled to appear and be heard) to attend.

(11) In making a determination under paragraph (5), (7) or (10), the registration officer must take into account any written representations made to that officer by P and may take into account the written representations of any other person who appears to that officer to be interested.”.

11. In regulation 39 (registration appeals), in paragraph (1), after sub-paragraph (b) insert—

- “(c) a determination of the registration officer under section 9B(2) of the 1983 Act made in accordance with regulation 38B; or
- (d) a determination of the registration officer under section 9C(1B) of the 1983 Act made in accordance with regulation 38E.”.

12. After regulation 50 insert—

“Anonymous entries

50A.—(1) An anonymous entry of a person consists of that person’s electoral number together with the letter “N”.

(2) The entry is to be entered in the register—

- (a) at the end of the part of the register which relates to the qualifying address of the person entitled to the entry,
- (b) under the heading of “Other electors” as mentioned in regulation 50(3)(b), and
- (c) following the names grouped together under that heading in pursuance of that regulation.”.

13. In regulations 51 (marking of names), 67 (marked register for polling stations) and 109(7) (sale of full register etc: restrictions on supply, charges, etc), wherever it occurs, for “name” substitute “entry”.

14.—(1) Regulation 53 (preparation and publication of list of overseas electors) is amended as follows.

(2) After paragraph (1) insert—

“(1A) But in the case of a person who has an anonymous entry, the list of overseas electors must contain only—

- (a) the person’s electoral number, and
- (b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act⁽³⁰⁾ (in the absence of a further application under section 9B of that Act).”.

(3) In paragraph (2)—

- (a) after “each part” insert “who do not have an anonymous entry”; and
- (b) after “alphabetical order” insert “, followed by the electoral numbers of persons with an anonymous entry”.

⁽³⁰⁾ Section 9C(1A) was inserted by article 3 of [S.I. 2014/1116](#).

(4) In paragraph (4), after “name” insert “(or, in the case of a person with an anonymous entry, electoral number)”.

15. After regulation 53, insert—

“Record of anonymous entries

53A.—(1) The registration officer must keep a record of anonymous entries.

(2) The registration officer must enter in the record each person (“P”) who is entered in the register with an anonymous entry.

(3) The entry in the record must contain the following particulars—

- (a) P’s full name;
- (b) P’s electoral number;
- (c) P’s qualifying address;
- (d) where P has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;
- (e) the date on which P’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).

(4) Where P’s application to vote by post or by proxy is granted, the registration officer must also enter in the record the address to which the postal ballot paper is to be sent as given in his application under section 6(6) or 9(12) of the 1985 Act⁽³¹⁾, or paragraph 1(6) or 4(11) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985⁽³²⁾, as the case may be.

Duties of registration officer and his staff in relation to record of anonymous entries

53B.—(1) This regulation applies to—

- (a) the Chief Electoral Officer for Northern Ireland;
- (b) any temporary deputy of that officer⁽³³⁾; and
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties.

(2) Where the Chief Electoral Officer is also the counting officer at a referendum held by or under an Act of Parliament⁽³⁴⁾ (and so has access to the record of anonymous entries without being supplied with a copy of it), this regulation also applies to—

- (a) the Chief Electoral Officer in that capacity,
- (b) any deputy counting officer,

(31) 1985 c. 50; sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the Representation of the People Act 2000 (c. 2); sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the Representation of the People Act 2000 (c. 2), and by article 6 of S.I. 2014/1116.

(32) S.I. 1985/454; Part 1 of Schedule 2 was substituted in its entirety by S.I. 1987/168; paragraph 1 was amended by S.I. 2002/2835, S.I. 2005/1969, S.I. 2010/2977 and S.I. 2014/1116; paragraph 4 was amended by S.I. 2010/2977 and S.I. 2014/1116.

(33) A person can be temporarily appointed by the Secretary of State under section 14(5) of the Electoral Law Act (Northern Ireland) 1962 (c. 14) (N.I.), which applies to the Chief Electoral Officer in his capacity as returning officer at parliamentary elections by virtue of section 26 of the Representation of the People Act 1983 (c. 2).

(34) In relation to a referendum to which Part 7 of the Political Parties, Elections and Referendums Act 2000 (c. 41) applies, the Chief Electoral Officer for Northern Ireland is the Chief Counting Officer at any referendum held only in Northern Ireland, and in any other case is treated as having been appointed as a counting officer for the whole of Northern Ireland (section 128 of that Act).

- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties in respect of the referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the record of anonymous entries,
- (b) disclose information contained in it, or
- (c) make use of such information,

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record of anonymous entries.

(6) In this regulation “enactment” has the same meaning as in section 17(2) of the 2000 Act⁽³⁵⁾.

Supply of the record of anonymous entries to police forces and other organisations

53C.—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to—

- (a) a police force in England and Wales;
- (b) the Police Service of Scotland;
- (c) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
- (d) the National Crime Agency;
- (e) the Police Information Technology Organisation; and
- (f) any body of constables established under an Act of Parliament.

(2) “Senior officer” means—

- (a) in the case of the forces and organisations mentioned in paragraph (1)(a), (b), (c), (e) and (f), an officer of a rank senior to that of superintendent;
- (b) in the case of the National Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may—

- (a) supply to any person a copy of the record of anonymous entries,
- (b) disclose any information contained in it, or
- (c) make use of any such information,

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere);
- (b) the vetting of a relevant person for the purpose of safeguarding national security.

⁽³⁵⁾ The “2000 Act” is defined in regulation 2 as the Representation of the People Act 2000 (c. 2). There are no amendments to section 17 of that Act.

- (5) In paragraph (4), “relevant person” means—
- (a) a constable or officer or prospective constable or officer of the force or organisation;
 - (b) an employee of, or applicant for employment by, the force or organisation.
- (6) Any person supplied with a copy of the record of anonymous entries under this regulation must take proper precautions for its safe custody.

Certificate of anonymous registration

53D.—(1) Where the registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate of anonymous registration must state—

- (a) that it has been issued by the Chief Electoral Officer for Northern Ireland;
- (b) the name, electoral number and qualifying address of the person who has the anonymous entry;
- (c) the date on which the anonymous entry took effect; and
- (d) the date on which the entitlement to remain registered anonymously will terminate in accordance with section 9C(1A) of the 1983 Act⁽³⁶⁾, unless a fresh application for an anonymous entry is made.”

16. In regulation 55 (general requirements for applications for an absent vote), in paragraph (2)—

- (a) at the end of sub-paragraph (c) omit “and”; and
- (b) at the end of sub-paragraph (d) insert “and” and after that sub-paragraph insert—
 - “(e) where the applicant has, or has applied for, an anonymous entry, that fact.”.

17. In regulation 55A (additional requirement for applications for ballot papers to be sent to a different address to that in the register)⁽³⁷⁾, after paragraph (2) insert—

“(3) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.”.

18. In regulation 55B (additional requirement for applications for ballot papers to be sent to different address from that shown in the record kept under section 6(3) or section 9(6) of the 1985 Act), the existing text becomes paragraph (1) of the regulation and after paragraph (1) insert—

“(2) This regulation does not apply where the applicant has, or has applied for, an anonymous entry.”.

19. In regulation 56 (additional requirements for applications for the appointment of a proxy), the existing text becomes paragraph (1) of the regulation and after paragraph (1) insert—

“(2) Where the application mentioned in paragraph (1) is made by an elector with an anonymous entry, the application must be accompanied by an application, by the person to be appointed as proxy, under—

- (a) section 9(4) of the 1985 Act (application to vote by post as proxy at parliamentary elections for an indefinite period); or
- (b) section 9(7) of the 1985 Act (application to vote by post as proxy at a particular election) in relation to the election.”.

⁽³⁶⁾ Section 9C(1A) was inserted by article 3 of [S.I. 2014/1116](#).

⁽³⁷⁾ Regulations 55A and 55B were inserted by [S.I. 2010/278](#).

20. In regulation 60 (additional requirements for applications by proxies to vote by post at a particular election), for “section 9(7)” substitute “section 9(7)(a)”**(38)**.

21. In regulation 66 (records and lists kept under sections 6, 7 and 9 of the 1985 Act), after paragraph (2) insert—

“(2A) The registration officer must not make available for inspection under paragraph (2) a copy of any record relating to—

- (a) a person who has an anonymous entry; or
- (b) the proxy of a person who has an anonymous entry.”.

22. In regulation 72 (persons entitled to be present at proceedings on issue and receipt of postal ballot papers)**(39)**, after paragraph (1) insert—

“(2) Sub-paragraphs (b), (c) and (d) of paragraph (1) do not apply to proceedings on issue or receipt of tendered postal ballot papers under rule 40ZA of the elections rules**(40)**.”.

23. In regulation 73 (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers), after paragraph (9) insert—

“(10) Nothing in this regulation applies to the issue or receipt of tendered postal ballot papers under rule 40ZA of the elections rules.”.

24. In regulation 75 (notice of issue of postal ballot papers), after paragraph (2) insert—

“(3) Nothing in this regulation applies to the issue of tendered postal ballot papers under rule 40ZA of the elections rules.”.

25. In regulation 76 (procedure on issue of postal ballot paper), in paragraph (5)—

- (a) in sub-paragraph (a), after “list” insert “(or, where the elector has an anonymous entry, the address that would be so shown but for section 7(4A) of the 1985 Act**(41)**”; and
- (b) in sub-paragraph (b), after “1985 Act” insert “(or, where the proxy has an anonymous entry or is the proxy for a person who has an anonymous entry, the address that would be so shown but for section 9(9A) or (9B) of that Act**(42)**”.

26. In regulation 81 (spoilt postal ballot papers), in paragraph (7)—

- (a) at the end of sub-paragraph (a), add “(or, in the case of an elector who has an anonymous entry, the elector’s electoral number alone)”; and
- (b) at the end of sub-paragraph (c), add “(or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or, as the case may be, a statement that the proxy is not registered as an elector)”.

27. After regulation 81 insert—

“Tendered postal ballot papers

81A.—(1) A tendered postal ballot paper issued to a person (“P”) under rule 40ZA of the elections rules (tendered postal ballot papers: anonymous entries in Northern Ireland) must be accompanied by—

(38) The additional requirement for evidence does not apply to an application under section 9(7)(b) or (c) because in those cases the test is whether the person is or will be included on the absent voters list or whether the elector has an anonymous entry.

(39) Regulation 72 was amended by [S.I. 2010/278](#).

(40) Rule 40ZA was inserted by article 3 of [S.I. 2014/1116](#).

(41) Sections 7(4A) and section 9(9A) to (9B) were inserted by article 6 of [S.I. 2014/1116](#).

(42) Section 9(9A) and (9B) was inserted by article 6 of [S.I. 2014/1116](#).

- (a) an envelope for the return of the tendered postal ballot paper and the declaration of identity (referred to as a “covering envelope”) which must be marked with the letter “D”;
 - (b) a smaller envelope which must be marked with—
 - (i) the letter “C”;
 - (ii) the words “tendered postal ballot paper envelope”; and
 - (iii) the number of the tendered postal ballot paper, unless the envelope has a window through which the number on the ballot paper can be displayed; and
 - (c) a declaration of identity in the form set out in regulation 71 (form of declaration of identity) which is marked with the number of the tendered postal ballot paper.
- (2) Where a parliamentary election is combined with another poll under section 15 of the 1985 Act⁽⁴³⁾—
- (a) the envelope referred to in paragraph (1)(a) must also be marked “Covering envelope for the [*insert the colour of the ballot paper*] coloured ballot paper”; and
 - (b) on the envelope referred to in paragraph (1)(b) after the words “tendered postal ballot paper envelope” there must be added “for the [*insert colour of the ballot paper*] coloured ballot paper”.
- (3) Subject to paragraph (5), regulation 80 (delivery of postal ballot papers) applies to the issue of a tendered postal ballot paper.
- (4) The tendered postal ballot paper, the declaration of identity and the envelopes must be sent to—
- (a) where P is an elector, the address that would be shown in the absent voters list but for section 7(4A) of the 1985 Act;
 - (b) where P is entitled to vote by post as proxy, the address that would be shown in the special list kept under section 9(9) of the 1985 Act but for section 9(9A) or (9B) of that Act.
- (5) Where P applies in person, the Chief Electoral Officer may hand a tendered postal ballot paper to P instead of delivering it in accordance with regulation 80.
- (6) The Chief Electoral Officer must enter in a list kept for the purpose (“the list of tendered postal ballot papers”)—
- (a) the entry in the register of the elector in question;
 - (b) the number of the tendered postal ballot paper issued under this regulation; and
 - (c) where P is entitled to vote by post as proxy, the proxy’s electoral number or, as the case may be, a statement that the proxy is not registered as an elector.
- (7) On receipt of a covering envelope of a tendered postal ballot paper before the close of the poll, the Chief Electoral Officer must—
- (a) separate it from the covering envelopes of the other postal ballot papers; and
 - (b) place it in a separate ballot box for the reception of tendered postal ballot papers.
- (8) As soon as practicable after the close of the poll, the Chief Electoral Officer must count and record the number of covering envelopes of tendered postal ballot papers and open each covering envelope separately.
- (9) Before proceeding under rule 40ZA(9) of the elections rules, the Chief Electoral Officer must satisfy himself that each tendered postal ballot paper—

⁽⁴³⁾ 1985 c. 50; section 15 was amended by section 3 of the European Communities (Amendments) Act 1986 (c. 58) and section 3 of the Elections Act 2001 (c. 7).

- (a) is not void under rule 40ZA(7); and
 - (b) is accompanied by a valid declaration of identity which is marked with the same number as the tendered postal ballot paper.
- (10) Where the Chief Electoral Officer is not so satisfied, that officer must—
- (a) mark the tendered postal ballot paper as “rejected”; and
 - (b) place the tendered postal ballot paper, attached to the declaration of identity (if any), in a receptacle for rejected tendered postal votes.
- (11) The Chief Electoral Officer must seal the contents of the receptacle for rejected tendered postal votes in a separate packet.”
- 28.** In regulation 84 (receipt of covering envelope), the existing text becomes paragraph (1) of the regulation and after paragraph (1) insert—
- “(2) This regulation does not apply to the receipt of a covering envelope for a tendered postal ballot paper.”
- 29.** In regulation 91 (forwarding of documents), in paragraph (1)—
- (a) in sub-paragraph (a), after “81(5)” insert “, 81A(11)”; and
 - (b) at the end of sub-paragraph (a) omit “and”; and
 - (c) after sub-paragraph (a) insert—
- “(aa) the list of spoilt ballot papers and the list of tendered postal ballot papers; and”.
- 30.** In regulation 93 (edited version of register), after paragraph (2) insert—
- “(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.”.
- 31.—**(1) Regulation 114 (offences in respect of contravention of Part 6)(44) is amended as follows.
- (2) In the heading, before “Part 6” insert “Part 3 or”.
 - (3) In paragraph (2), after “regulations” insert “53B(3), 53C(3),”.

Amendment of Schedule 3 to the Representation of the People (Northern Ireland) Regulations 2008

- 32.—**(1) Schedule 3 (forms) is amended as follows.
- (2) In the Arrangement of Forms—
- (a) after the entry for Form A insert—
- “Form A1: Elector’s Official Postal Poll Card”; and
- (b) after the entry for Form B insert—
- “Form B1: Proxy’s Official Postal Poll Card”.
- (3) After Form A (elector’s official poll card), insert Form A1 in Schedule 2.
 - (4) After Form B (proxy’s official poll card), insert Form B1 in Schedule 2.
 - (5) In Form E (proxy paper), in the section headed “Your Right to Vote as Proxy”, after paragraph 4 insert—

(44) Regulation 114 was amended by regulation 4 of [S.I. 2013/1846](#).

“5. If you have been appointed as a proxy on behalf of an elector who has an anonymous entry in the register, you can only vote by post. If you have not already been granted a postal vote, you should contact the electoral registration officer.”.

- (6) In Form L (declaration of identity)—
- (a) before “Name of witness” insert “*”;
 - (b) before “Address of witness” insert “*”, and after that paragraph insert—
“(Returning officer to omit where ballot papers sent to an anonymous elector.)”; and
 - (c) in the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you are an elector with an anonymous entry in the register, or you are the proxy for such a person, the name and address of the witness should not be included. However, you do need to sign this declaration in the presence of a witness and the witness must sign the form.”.
- (7) In Form M (declaration of identity (combined polls))—
- (a) before “Name of witness” insert “*”;
 - (b) before “Address of witness” insert “*”, and after that paragraph insert—
“(Returning officer to omit where ballot papers sent to an anonymous elector.)”; and
 - (c) In the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you have an anonymous entry in the register, or you are the proxy for such a person, the witness must not add his or her name and address.”.
- (8) In Form N (statement as to postal ballot papers)—
- (a) after paragraph 10 insert—
 - “10A. Number of tendered postal ballot papers issued
 - 10B. Number of covering envelopes for tendered postal ballot papers received”; and
 - (b) after paragraph 13 insert—
 - “14. Number of tendered postal ballot papers marked rejected”.

Date

Name
Minister of State
Northern Ireland Office

SCHEDULE 1

Preamble

Enabling powers

These Regulations are made under the following powers—

- a) sections 9B, 9C, 53 and 201(3) of, and rule 57 of Schedule 1 to, and paragraphs 2B, 3A, 3B, 5(1B), 5A, 7, 8, 8A, 9C, 10, 10B and 12 of Schedule 2 to, the Representation of the People Act 1983⁽⁴⁵⁾;
- b) having regard to the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983, sections 9B(1A), 10A(1)(a) and 13A(1)(a) of, and rules 24, 28, 55(1)(f) of Schedule 1 to, that Act⁽⁴⁶⁾; and
- c) sections 6(1)(c) and (5), 7(3), 8(6) and (7) and 9(4), (7) and (8) of the Representation of the People Act 1985⁽⁴⁷⁾.

-
- (45) 1983 c. 2. Sections 9B and 9C were inserted by section 10 of the Electoral Administration Act 2006 (c. 22); amended by paragraphs 7 and 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); extended to Northern Ireland by article 2 of S.I. 2014/1116; and amended by article 3 of that instrument. Section 53 was amended by section 24 of, and paragraph 13 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); paragraph 13 of Schedule 1 and Part 1 of Schedule 7 to the Representation of the People Act 2000 (c. 2); paragraph 109 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); and paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 (c. 2); and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Rule 57 was amended by sections 31 and 41 of, and paragraph 95 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22). Paragraphs 2B, 3B, 5(1B) and 8A of Schedule 2 were inserted by paragraph 15 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and extended to Northern Ireland by article 2 of the S.I. 2014/1116. Paragraph 3A of Schedule 2 was inserted by paragraph 24 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Paragraph 5A of Schedule 2 was inserted by section 11 of the Representation of the People Act 1985 (c. 50) and amended by paragraph 11 of Schedule 6 to the Representation of the People Act 2000 (c. 2). Paragraph 8 of Schedule 2 was substituted by section 24 of the Representation of the People Act 1985 (c. 50) and amended by paragraph 24 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Paragraph 10 of Schedule 2 was substituted by section 9 of the Representation of the People Act 2000 (c. 2) and amended by paragraph 15 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); the latter amendment was extended to Northern Ireland by article 3 of S.I. 2014/1116. Paragraph 10B of Schedule 2 was substituted by section 9 of the Representation of the People Act 2000 (c. 2). Paragraph 12 of Schedule 2 was substituted by paragraph 11 of Schedule 6 to the Representation of the People Act 2000 (c. 2) and amended by paragraph 94 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (46) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Rule 24 was substituted by section 37 of the Electoral Administration Act 2006 (c. 22). Rule 28(3A) was inserted by paragraph 14 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and the amendment was extended to Northern Ireland by article 2 of S.I. 2014/1116; rule 28(3) was amended by paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (47) 1985 c. 50. Sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the Representation of the People Act 2000 (c. 2). Sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the Representation of the People Act 2000 (c. 2), and by article 6 of S.I. 2014/1116.

SCHEDULE 2

Regulation 31

Forms

Form A1

Elector's Official Postal Poll Card

Front of card

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POSTAL POLL CARD

Constituency

For the election on [day/date]

Number on register

*Name

*Address

**(Returning Officer to omit where postal poll card sent to an anonymous elector. Postal poll card sent to an anonymous elector must be delivered in a sealed envelope.)*

This card is to tell you that you have asked to vote by post at this election and will not be able to vote in a polling station. If you wish to cancel your postal vote please call [helpline number] before 5pm on [day/date deadline]. If you are registered anonymously you can only vote by post.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

PARLIAMENTARY ELECTION

When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.

You must **sign the declaration of identity** in the presence of a person known to you. That person should **sign the declaration as a witness**, adding his or her name and address. You must also **provide your date of birth**. This is a security measure. It will not affect your vote or mean it can be identified. Without your witnessed signature and date of birth the declaration of identity will not be valid and your vote will not be counted. The Returning Officer will check your signature and date of birth against records that they hold.

If you are registered anonymously your witness should not provide his or her name and address. However, it is important that both you and your witness sign the declaration.

If you accidentally spoil your ballot paper, please call the helpline number below as soon as possible. It is only possible to issue replacement postal ballot papers before 5pm on *[day/date of day before the poll]*.

Complete and return your postal vote as soon as possible. The Returning Officer must receive your vote by 10pm on *[day/date of poll]*. Postal voting papers cannot be accepted at polling stations.

If you need any assistance, please phone *[helpline number]*.

ISSUED BY THE RETURNING OFFICER

Form B1

Proxy's Official Postal Poll Card

Front of card

REPRESENTATION OF THE PEOPLE ACTS

PROXY'S OFFICIAL POSTAL POLL CARD

*Proxy's name

*Proxy's address

**(Returning Officer to omit where postal poll card sent to the proxy of an anonymous elector. Postal poll card sent to the proxy of an anonymous elector must be delivered in a sealed envelope.)*

PARLIAMENTARY ELECTION

Constituency

For the election on [day/date]

This card is to tell you that the elector named on the back of this card has appointed you as their proxy and you have asked to vote by post. You will not be able to vote on behalf of the elector in a polling station. If you wish to cancel your postal vote please call [helpline number] before 5pm on [day/date deadline]. If you are a proxy for a person who is registered anonymously you can only vote by post.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

*The elector identified below has appointed you as proxy and you will be voting by post on their behalf.

*Number on register

*Name (of elector)

*Address

When you receive your postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.

You must **sign the declaration of identity** in the presence of a person known to you. That person should **sign the declaration as a witness**, adding his or her name and address. You must also **provide your date of birth**. This is a security measure. It will not affect your vote or mean it can be identified. Without your witnessed signature and date of birth the declaration of identity will not be valid and your vote will not be counted. The Returning Officer will check your signature and date of birth against records that they hold.

If you are voting on behalf of someone registered anonymously your witness should not provide his or her name and address. However, it is important that both you and your witness sign the declaration.

If you accidentally spoil your ballot paper, please call the helpline number below as soon as possible. It is only possible to issue replacement postal ballot papers before 5pm on *[day/date of day before the poll]*.

Complete and return your postal vote as soon as possible. The Returning Officer must receive your vote by 10pm on *[day/date of poll]*. Postal voting papers cannot be accepted at polling stations.

It is illegal to vote as proxy for some other person if you know that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

If you need any assistance, please phone *[helpline number]*.

ISSUED BY THE RETURNING OFFICER

*(Where postal poll card sent to the proxy of an anonymous elector substitute for the text marked with * above: -*

This poll card is to tell you that for this election you are appointed as proxy for the anonymous elector whose electoral number is shown below and you are entitled to vote by post.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....
(Elector's number on register))

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (“the 2008 Regulations”) to implement a scheme of anonymous registration in Northern Ireland.

Anonymous registration is available to those persons for whom the publication of their name and address in the electoral register would pose a threat to safety. This may include victims of domestic violence, witnesses in certain criminal cases and other vulnerable people who may wish to vote but are afraid that certain individuals may use the electoral register to establish their whereabouts. Provision for anonymous registration in Great Britain was made by section 10 of, and Schedule 1 to, the Electoral Administration Act 2006 (c. 22). Those provisions were extended to Northern Ireland, with some modifications, by the Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116). Under that scheme, an elector is entitled to have an anonymous entry in the electoral register for up to five years if the safety of the applicant, or that of any other person of the same household, would be at risk on publication of the applicant’s details in the register. The registration officer will determine when a person’s entitlement to an anonymous entry will expire and, unless the person makes a fresh application for such an entry or for a regular entry in the register, the person’s entry will be removed from the register on that date (sections 9B and 9C, Representation of the People Act 1983 (c. 2)). A person with an anonymous entry (and, where applicable, the proxy of such a person) is not entitled to vote at the polling station in person, and instead must vote by post (sections 5 to 9, Representation of the People Act 1985 (c. 50)).

Regulation 4 inserts new regulation 26A into the 2008 Regulations, which provides for a reminder to be sent to each person who has an anonymous entry between three and six months before it is due to expire, unless the registration officer has received a fresh application for an anonymous entry.

Regulations 5 to 9 make amendments to the requirements of an application for registration, the inspection of such applications and the procedure for determination of such applications. If an application for registration is accompanied by an application for an anonymous entry, the application for registration must state that fact and that application cannot be inspected by the public or objected to. Where the registration officer conducts a review of the elector’s entitlement to be registered, that review will not be included in the list of reviews.

Regulation 10 inserts new regulations 38A to 38E into the 2008 Regulations. These regulations provide for the contents of an application for an anonymous entry. Such an application must include either evidence of a relevant injunction or order (regulation 38C) or an attestation by a qualifying officer, such as a senior police officer or a senior social worker, that the safety of the applicant, or that of any other person of the same household, would be at risk on publication of the applicant’s details in the register (regulation 38D). The date upon which the relevant order or injunction or the attestation will expire or cease to have effect will be the date upon which the anonymous entry will expire, but the maximum period for which an entry can have effect without a further fresh application is five years (regulation 38B). During that period, the registration officer may conduct a review of the person’s entitlement to an anonymous entry (regulation 38E).

Regulation 11 amends regulation 39 of the 2008 Regulations and provides for the exercise of a person’s right of appeal against the registration officer’s decision that the person is not entitled, or is no longer entitled, to an anonymous entry.

Regulation 12 inserts new regulation 50A into the 2008 Regulations, which provides for the content and location of an anonymous entry in the register.

Regulation 14 amends regulation 53 of the 2008 Regulations and provides that the list of overseas electors must contain, in respect of a person with an anonymous entry, only the electoral number and the date upon which the anonymous entry will expire.

Regulation 15 inserts new regulations 53A to 53D into the 2008 Regulations. The registration officer is required to maintain a record of anonymous entries, which will contain details about persons with an anonymous entry (regulation 53A). The registration officer and his staff, and other persons to whom the record can be supplied in relation to crime and national security, are under specific duties of confidentiality in relation to that record (regulations 53B and 53C). The registration officer is required to issue a certificate of anonymous entry to persons with an anonymous entry (regulation 53D). Regulation 30 includes the disclosure of information contrary to new regulations 53B or 53C in the list of offences under regulation 114 of the 2008 Regulations.

Regulations 3, 16 to 21, 25, 26, 32 and Schedule 2 make amendments to the 2008 Regulations in relation to applications for an absent vote by, and the issue of postal poll cards to, persons with an anonymous entry or their proxies. Persons with an anonymous entry must state that fact on an application for an absent vote, and will not have to provide an explanation for a ballot paper to be sent to a different address from that in the register or the record of those who have been granted an absent vote. An application by a person with an anonymous entry for the appointment of a proxy must be accompanied by an application by the proxy for a postal vote. The registration officer must not make available for inspection a copy of any record relating to a person with an anonymous entry or the proxy of such a person. A postal poll card must be issued to persons who have a postal vote, including persons with an anonymous entry and their proxies. The postal ballot papers issued to a person with an anonymous entry or the proxy of such a person must be sent to the address that would have appeared in the absent voters list or the list of proxy voters if such information had not been confidential. If a person with an anonymous entry or the proxy of such a person is to be included in the list of spoiled ballot papers, that list must show only the person's electoral number.

Regulations 22 to 24 and 27 to 29 provide for the issue of tendered postal ballot papers to persons with an anonymous entry who have lost or did not receive their postal ballot papers. Such persons are not permitted to mark a tendered ballot paper at the polling station in the normal way (see rules 40 and 40ZA of the parliamentary elections rules contained in Schedule 1 to the Representation of the People Act 1983, as amended) so a new mechanism is created to allow such persons to submit an equivalent by post.

Regulation 30 ensures that the edited register omits all anonymous entries in the register and any information relating to them.

Regulations 2, 13 and 31 make minor and consequential amendments to the 2008 Regulations in relation to anonymous registration.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.