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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

The Recall of MPs Act 2015 (Recall Petition) Regulations 2016

PART 4

ABSENT SIGNERS

CHAPTER 1

Entitlement to Absent Signing

**Interpretation**

**49.** In this Part—

- (a) “Schedule 4” means Schedule 4 to the 2000 Act (absent voting in Great Britain);
- (b) one person is “related” to another if he or she is the spouse or civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

**Entitlement to sign by post or proxy**

**50.**—(1) A person is entitled to sign a petition by post if that person—

- (a) is entitled to sign the petition by virtue of section 10 of the Act (entitlement to sign a recall petition); and
- (b) before the cut-off day<sup>(1)</sup>, has been granted an application under paragraph 3(1) of Schedule 4 (absent vote at elections for definite or indefinite period) to vote by post at parliamentary elections and is included in the postal voters list under paragraph 5(2) of that Schedule (absent voters list).

(2) Subject to paragraph (5), a person is entitled to sign a petition by proxy if that person—

- (a) is entitled to sign the petition by virtue of section 10 of the Act; and
- (b) before the cut-off day, has been granted an application under paragraph 3(2) of Schedule 4 to vote by proxy at parliamentary elections and is included in the list of proxies under paragraph 5(3) of that Schedule.

(3) A person is also entitled to sign a petition by post or, as the case may be, by proxy if that person—

- (a) is entitled to sign the petition by virtue of section 10 of the Act; and
- (b) before the cut-off day, has been granted an application under section 6(1) of the 1985 Act (absent vote at elections for an indefinite period) to vote by post or to vote by proxy for an indefinite period and is shown in the record referred to in subsection (3) of that section of those whose applications have been granted under subsection (1) of that section.

(4) Where a person has been granted an application under paragraph 3(1) of Schedule 4 to vote by post for a definite period and that period expires during the signing period of a particular petition, that

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<sup>(1)</sup> The cut-off day is defined in section 10(4)(a) of the Act as the third working day before the beginning of the signing period.

definite period is deemed to continue until the end of the signing period for the purposes of enabling that person to sign the petition by post, unless that person applies to have their name removed from the postal voters list made under paragraph 5(2) of that Schedule before 5pm on the eleventh day before the last day of the signing period of that petition.

(5) Where a person has been granted an application under paragraph 3(2) of Schedule 4 to vote by proxy for a definite period and that period expires during the signing period for a particular petition, that entitlement to vote by proxy comes to an end on the expiry of that definite period.

### **Absent signing at any petition for a definite or an indefinite period: England and Wales and Scotland**

**51.**—(1) Where a person applies to the registration officer to sign any petition by post (whether for an indefinite period or for a particular period specified in that person’s application), the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be entitled to sign a petition by virtue of section 10 of the Act;
- (b) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to that person under regulation 16 (allotment of petition signing places); and
- (c) the application contains the applicant’s signature and date of birth and meets the requirements of Chapter 2 of this Part.

(2) Where a person applies to the registration officer to sign any petition by proxy (whether for an indefinite period or for a particular period specified in their application), the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant is eligible to sign the petition by proxy (in accordance with paragraph (3));
- (b) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to that person under regulation 16;
- (c) the officer is satisfied that the applicant is or will be entitled to sign the petition by virtue of section 10 of the Act; and
- (d) the application contains the applicant’s signature and date of birth and meets the requirements of Chapter 2 of this Part.

(3) For the purposes of this regulation a person is eligible to sign the petition by proxy if that person—

- (a) is or will be registered in the register of parliamentary electors as a service voter;
- (b) has an anonymous entry in the register of parliamentary electors;
- (c) cannot reasonably be expected—
  - (i) to go in person to the petition signing place allotted or likely to be allotted to that person under regulation 16 (allotment of petition signing place), or
  - (ii) to sign the petition unaided there,  
by reason of blindness or other disability;
- (d) cannot reasonably be expected to go in person to that petition signing place by reason of the general nature of that person’s occupation, service or employment or that of their spouse or civil partner, or by reason of their attendance on a course provided by an educational institution or that of their spouse or civil partner;
- (e) cannot go in person from their qualifying address to that petition signing place without making a journey by air or sea; or

- (f) is or will be registered in the register of parliamentary electors in pursuance of an overseas electors declaration.
- (4) The registration officer must keep a record of those whose applications under this regulation have been granted showing—
- (a) whether the applications were to sign the petition by post or proxy for an indefinite or a particular period (specifying that period),
  - (b) in the case of those who may sign the petition by post, the addresses provided by them in their applications as the addresses to which their signing sheets are to be sent, and
  - (c) in the case of those who may sign the petition by proxy, the names and addresses of those appointed as their proxies.
- (5) The registration officer must remove a person from the record—
- (a) if that person applies to the registration officer to be removed;
  - (b) in the case of a person who is eligible to sign the petition by proxy by virtue of having an anonymous entry, if that person ceases to have an anonymous entry;
  - (c) in the case of any person in the register of parliamentary electors, if that person ceases to be so registered or registered at the same qualifying address;
  - (d) in the case of any person shown in the record as being eligible to sign the petition by proxy, if the registration officer gives notice that he or she has reason to believe there has been a material change of circumstances;
  - (e) in the case of a person who applied to sign the petition by post for a particular period, once that period has expired or, where paragraph (9) applies, at the end of the signing period;
  - (f) in the case of a person who applied to sign the petition by proxy for a particular period, once that period has expired.
- (6) A person shown in the record under kept under paragraph (4) as being entitled to sign the petition by post may subsequently alter their choice by applying to the registration officer to sign the petition by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under paragraph (2), the registration officer must amend the record accordingly.
- (7) A person shown in the record as being entitled to sign the petition by proxy may subsequently alter his choice by applying to the registration officer to sign the petition by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the requirements of Chapter 2 of this Part, the registration officer must amend the record accordingly.
- (8) The registration officer may dispense with the requirement under paragraph (1)(c) or (2)(d) for the applicant to provide a signature if he or she is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
  - (b) to provide a signature because the applicant is unable to read or write, or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (9) Where a person has been granted an application under paragraph (1) to sign the petition by post for a definite period and that period expires during the signing period for a particular petition, that definite period is deemed to continue until the end of the signing period for the purposes of enabling that person to sign the petition by post, unless that person applies to have their name removed from the record kept under paragraph (4).

### **Absent signing at any petition for an indefinite period: Northern Ireland**

**52.**—(1) Where a person applies to the registration officer to sign any petition by post or by proxy, for an indefinite period, the registration officer must grant the application (subject to paragraph (8)) if—

- (a) the officer is satisfied that the applicant is entitled to sign a petition by virtue of section 10 of the Act;
  - (b) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to that person under regulation 16;
  - (c) the application states the applicant’s date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant’s birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act;
  - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant’s signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act;
  - (e) the application either states the applicant’s national insurance number or states that the applicant does not have one, and the registration officer is satisfied as mentioned in paragraph (2) below;
  - (f) the application meets the requirements of Chapter 2 of this Part; and
  - (g) in the case of an application to sign the petition by proxy, the officer is satisfied that the applicant is eligible (in accordance with paragraph (4)) to sign the petition by proxy for an indefinite period.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—
- (a) if the application states a national insurance number, that the requirements of paragraph (3) below are met; or
  - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as the applicant’s national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—
- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant’s national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act; or
  - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.
- (4) For the purposes of this regulation, a person is eligible to sign a petition by proxy for an indefinite period if that person—
- (a) is or will be registered as a service voter;
  - (b) has an anonymous entry in the register of electors for a parliamentary election;
  - (c) cannot reasonably be expected—
    - (i) to go in person to the signing place allotted or likely to be allotted to them under regulation 16 (allotment of petition signing places), or
    - (ii) to sign the petition unaided there,
 by reason of blindness or other disability;
  - (d) cannot reasonably be expected to go in person to that petition signing place by reason of the general nature of their occupation, service or employment or that of their spouse

- or civil partner or by reason of their attendance on a course provided by an educational institution or that of their spouse or civil partner;
- (e) cannot go in person from their qualifying address to that petition signing place without making a journey by air or sea; or
  - (f) is or will be registered in the register of parliamentary electors in pursuance of an overseas electors declaration.
- (5) The registration officer must keep a record of those whose applications under this regulation have been granted showing—
- (a) in the case of those who may sign a petition by post, the addresses provided by them in their applications as the addresses to which their signing sheets are to be sent, and
  - (b) in the case of those who may sign a petition by proxy, the names and addresses of those appointed as their proxies.
- (6) The registration officer must remove a person from the record kept under paragraph (5)—
- (a) if that person applies to the registration officer to be removed;
  - (b) in the case of a person who is eligible to sign the petition by proxy by virtue of having an anonymous entry, if that person ceases to have an anonymous entry;
  - (c) in the case of any person registered in the register of parliamentary electors, if that person ceases to be registered or registered at the same qualifying address; or
  - (d) if the registration officer gives notice that he or she has reason to believe there has been a material change of circumstances.
- (7) A person shown in the record kept under paragraph (5) as being eligible to sign a petition by post or by proxy (as the case may be) may subsequently alter their choice (subject to paragraph (8)) on an application to the registration officer that meets the requirements of Chapter 2 of this Part and the registration officer must amend the record accordingly.
- (8) A person applying to sign a petition by post must provide an address in the United Kingdom as the address to which that person's signing sheet is to be sent.

### **Absent signing at a particular petition: England and Wales and Scotland**

- 53.**—(1) Where a person applies to the registration officer to sign a particular petition by post, the officer must grant the application if—
- (a) the officer is satisfied that the applicant is or will be entitled to sign the petition in accordance with section 10 of the Act (entitlement to sign a recall petition);
  - (b) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to them under regulation 16; and
  - (c) the application contains the applicant's signature and date of birth and meets the requirements of Chapter 2 of this Part.
- (2) Where a person applies to the registration officer to sign a particular petition by proxy, the officer must grant the application if—
- (a) the officer is satisfied that the applicant's circumstances during the signing period will be, or are likely to be, such that the applicant cannot reasonably be expected to sign in person at the petition signing place allotted or likely to be, allotted to that person under regulation 16 (allotment of petition signing places);
  - (b) the officer is satisfied that the applicant is or will be entitled to sign the petition in accordance with section 10 of the Act;
  - (c) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to them under regulation 16; and

- (d) the application contains the applicant's signature and date of birth and meets the requirements of Chapter 2 of this Part.
- (3) Where a person who has an anonymous entry in the register, applies to the registration officer to sign a particular petition by proxy, the registration officer must grant the application if—
- (a) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to them under regulation 16; and
  - (b) it meets the requirements of Chapter 2 of this Part.
- (4) Nothing in paragraphs (1) to (3) applies to a person who is included in the record kept under regulation 51(4) (absent signing at any petition for a definite or indefinite period: England and Wales and Scotland) or in the record kept under paragraph 3(4) or 7(6) of Schedule 4, but if such a person is shown in any of those records as being entitled to sign the petition by post or voting by post (as the case may be) the person may, in respect of a particular petition, apply to the registration officer—
- (a) for that person's signing sheet to be sent to a different address from that shown in the record, or
  - (b) to sign the petition by proxy.
- (5) The registration officer must grant an application under paragraph (4) if—
- (a) it meets the requirements of Chapter 2 of this Part, and
  - (b) in the case of an application to sign the petition by proxy, the officer is satisfied that the applicant's circumstances during the signing period will or are likely to be such that the applicant cannot reasonably be expected to sign the petition in person at the petition signing place allotted or likely to be allotted to that person in accordance with regulation 16 (allotment of petition signing places).
- (6) The registration officer may dispense with the requirement under paragraph (1)(c) or (2)(d) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has;
  - (b) to provide a signature because the applicant is unable to read or write; or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.

#### **Absent signing at a particular petition: Northern Ireland**

- 54.**—(1) Where a person applies to the registration officer to sign a particular petition by post, or to sign that petition by proxy, the registration officer must grant the application (subject to paragraph (4)) if—
- (a) in the case of a proxy application, the officer is satisfied that the applicant's circumstances during the signing period will be or are likely to be such that the person cannot reasonably be expected to sign the petition in person at the petition signing place allotted or likely to be allotted to that person under regulation 16 (allotment of petition signing place);
  - (b) the officer is satisfied that the applicant is or will be entitled to sign the petition in accordance with section 10 of the Act;
  - (c) the application states the applicant's date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act;
  - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act;

- (e) the application either states the applicant's national insurance number or states that he or she does not have one, and the registration officer is satisfied as mentioned in paragraph (2);
  - (f) the officer is satisfied that the applicant has not signed the petition at the petition signing place allotted to that person under regulation 16; and
  - (g) the application meets the requirements of Chapter 2 of this Part.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—
- (a) if the application states a national insurance number, that the requirements of paragraph (3) are met; or
  - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as that person's national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—
- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant's national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act; or
  - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.
- (4) Paragraph (1) does not apply to a person who is included in the record kept under regulation 52(5) (absent signing at any petition for indefinite period: Northern Ireland) or kept in the record kept under section 6(3) of the 1985 Act (absent vote at elections for indefinite period), but such a person may, in respect of a particular petition, apply to the registration officer—
- (a) for that person's signing sheet to be sent to a different address in the United Kingdom, or
  - (b) to sign the petition by proxy,
- if that person is shown in the record so kept as signing the petition by post or proxy, or voting by post of proxy (as the case may be).
- (5) The registration officer must grant an application under paragraph (4) if it meets the requirements of Chapter 2 of this Part.

#### **Absent signers lists: England and Wales and Scotland**

- 55.**—(1) The registration officer must, in respect of each petition, keep the two lists mentioned in paragraphs (2) and (3).
- (2) The first of those lists ("the postal signers list") is a list of—
- (a) those persons who are for the time being shown in the postal voters list under paragraph 5(2) of Schedule 4, together with the addresses as shown in that list as the addresses to which their postal ballot sheets are to be sent;
  - (b) those persons who are for the time being shown in the record kept under regulation 51(4) as signing the petition by post (excluding those so shown whose applications under regulation 53(4) to sign the petition by proxy have been granted), together with the addresses provided by them in their applications under regulation 51 or regulation 53(4)
    - (a) (as the case may be) as the addresses to which their signing sheets are to be sent;
  - (c) those persons whose applications have been granted under regulation 53(1) to sign a particular petition by post, together with the addresses provided by them in their application under that regulation.
- (3) The second of those lists ("the list of proxies") is a list of—

- (a) those persons who are for the time being shown in the list of proxies under paragraph 5(3) of Schedule 4,
- (b) those persons who are for the time being shown in the record kept under regulation 51(4) as being eligible to sign the petition by proxy,
- (c) those persons whose applications have been granted under regulation 53(2) or (5) to sign that petition by proxy,

together with (in each case) the names and the addresses of those appointed as their proxies.

(4) In the case of a person who has an anonymous entry in the register, the postal signers list or list of proxies (as the case may be) must contain only—

- (a) the person’s electoral number, and
- (b) the period for which the anonymous entry has effect.

(5) The registration officer must, immediately on completion of list referred to in paragraphs (2) and (3), supply to the petition officer so much of those lists as relate to the constituency to which the petition relates.

#### **Absent signers list: Northern Ireland**

**56.**—(1) The registration officer must, in respect of each petition, keep the two lists mentioned in paragraphs (2) and (3).

(2) The first of those lists (“the postal signers list”) is a list of—

- (a) those persons who are for the time being shown in the record kept under regulation 52(5) as being entitled to sign the petition by post (excluding those so shown whose applications under regulation 54(4) to sign the petition by proxy have been granted) together with the addresses provided by them in their application under regulation 52, or regulation 54(4) (a) (as the case may be) as the address to which their signing sheet is to be sent;
- (b) those persons whose applications under regulation 54(1) to sign the petition by post have been granted, together with the addresses provided by them in their applications as the addresses to which their signing sheets are to be sent; and
- (c) those persons who are for the time being shown in the record kept under section 6(3) of the 1985 Act as voting by post at parliamentary elections (excluding those so shown whose applications under regulation 54(4) to sign the petition by proxy at the election have been granted), together with the addresses provided by them in their applications under that section or regulation 54(4)(a) (as the case may be) as the addresses to which their signing sheet sheets are to be sent.

(3) The second of those lists (“the list of proxies”) is a list of—

- (a) those persons whose applications under regulation 52 (absent signing at any petition for an indefinite period) to sign the petition by proxy have been granted,
- (b) those persons whose applications under regulation 54 (absent signing at a particular petition) to sign the petition by proxy have been granted,
- (c) those persons who are for the time being shown in the record kept under section 6(3) of the 1985 Act (absent vote at elections for an indefinite period) as voting by proxy at parliamentary elections,

together with (in each case) the names and addresses of those appointed as their proxies.

(4) In the case of a person who has an anonymous entry in the register of electors, the postal signers list or list of proxies (as the case may be) must contain only—

- (a) the person’s electoral number, and



- (b) the period for which the anonymous entry has effect.

### Proxies at petitions

57.—(1) Subject to the following provisions of this regulation, any person is capable of being appointed proxy to sign a petition for another (the person appointing the proxy is referred to in this regulation and regulation 58 as “the appointer”).

(2) The appointer cannot have more than one person at a time appointed as proxy to sign a petition for him or her.

(3) A person is not capable of being appointed to sign a petition as proxy if the person—

- (a) is subject to any legal incapacity (age apart) to sign a petition as an elector, and
- (b) is neither a Commonwealth citizen or a citizen of the Republic of Ireland.

(4) A person is not capable of signing a petition as proxy unless before the end of the signing period for that petition the person has attained the age of 18; but such a person may sign the petition during the signing period notwithstanding that they may have not attained the age of 18 on the day they sign the petition.

(5) A person is not entitled to sign any one petition as proxy on behalf of more than two persons to whom that person is not related.

(6) Where the appointer applies to the registration officer for the appointment of a proxy to sign the petition for him or her (whether for an indefinite period or for a particular period specified in his application), the registration officer must make the appointment if the application meets the requirements of Chapter 2 of this Part and the registration officer is satisfied that the appointer—

- (a) is or will be entitled to sign the petition by virtue of section 10 of the Act;
- (b) is or will be shown in the record kept under regulation 51(4) above as being eligible to sign the petition by proxy or (as the case may be) in the record kept under paragraph 3(4) of Schedule 4 as entitled to vote by proxy and the proxy is capable of being, and willing to be, appointed to sign the petition as proxy; and
- (c) has not signed the petition at the petition signing place allotted to them under regulation 16.

(7) Where the appointer applies to the registration officer for the appointment of a proxy to sign the petition for him or her at a particular petition the registration officer must make the appointment if the application meets the requirements set out in Chapter 2 of this Part and the registration officer is satisfied that the appointer—

- (a) is or will be entitled to sign the petition by virtue of section 10 of the Act;
- (b) is or will be eligible to sign the petition by proxy by virtue of an application under regulation 53(2) and (3) and that the proxy is capable of being, and willing to be, appointed to sign the petition as proxy; and
- (c) has not signed the petition at the petition signing place allotted to the appointer under regulation 16 (allotment of petition signing place).

(8) The appointment of a proxy under this regulation must be made by means of a proxy paper issued by the registration officer in the form set out in Form J in Schedule 2.

(9) The appointment may be cancelled by the appointer by giving notice to the registration officer.

(10) The appointment also ceases to be in force—

- (a) on the issue of a proxy paper appointing a different person to sign the petition for the appointer;
- (b) where the appointment was for a definite period, once that period expires, unless the proxy is entitled to sign the petition by post in which case that period is deemed to continue until the end of the signing period for the purposes of signing the petition.

- (11) Subject to paragraphs (9) and (10), the appointment remains in force—
- (a) in the case of an appointment for a particular petition, for that petition;
  - (b) in any other case, while the appointer is shown in the record kept under regulation 51(4) as being entitled to sign the petition by proxy or (as the case may be) in the record kept under paragraph 3(4) of Schedule 4 as entitled to vote by proxy.
- (12) In respect of petitions in Northern Ireland, the application of this regulation is modified as follows—
- (a) for references to “regulation 51(4)” substitute “regulation 52(5)”;
  - (b) for references to “regulation 53(2)” substitute “regulation 54(1)”;
  - (c) for references to “paragraph 3(4) of Schedule 4” substitute “section 6(3) of the 1985 Act”.

### **Signing the petition as a proxy**

**58.**—(1) A person entitled to sign the petition as proxy for another may do so in person at the petition signing place allotted to the appointer under regulation 16 (allotment of petition signing place) unless the person is entitled to sign the petition by post as proxy for the appointer, in which case the person may sign the petition by post.

(2) But in the case of a person entitled to sign the petition as proxy for an appointer included in the register of electors in Northern Ireland who has an anonymous entry—

- (a) paragraph (1) does not apply, and
- (b) the person may only sign the petition by post (where entitled as a proxy to sign the petition by post).

(3) Where a person is entitled to sign the petition by post as proxy for the appointer, that appointer may not apply for a signing sheet for the purpose of signing the petition in person.

(4) For the purposes of this Part, a person entitled to sign the petition as proxy is entitled to sign the petition by post if that person is included—

- (a) in the proxy postal signers list;
- (b) in the record (record of proxy postal voting) kept under paragraph 7(6) of Schedule 4; or
- (c) in the record (record of proxy postal voting) kept under section 9(6) of the 1985 Act.

(5) Where a person applies to the registration officer to sign the petition by post as proxy, the registration officer must grant the application if the conditions set out in paragraph (6) are satisfied.

(6) Those conditions are—

- (a) that the registration officer is satisfied that the appointer is or will be entitled to sign the petition by virtue of section 10 of the Act;
- (b) that there is in force an appointment of the applicant as the appointer’s proxy to sign the petition on behalf of the appointer;
- (c) the officer is satisfied that the proxy has not signed the petition at the petition signing place allotted to the appointer under regulation 16; and
- (d) that the application contains the applicant’s signature and date of birth and meets the requirements of Chapter 2 of this Part.

(7) The registration officer must keep a record of those whose applications under paragraph (5) have been granted showing—

- (a) whether their applications were to sign the petition by post as proxy for an indefinite or particular period (specifying that period); and

- (b) the addresses provided by them in their applications as the addresses to which their signing sheets are to be sent.
- (8) Where, in the case of a particular petition, a person included in the record kept under paragraph (7) applies to the registration officer for their signing sheet to be sent to a different address to the one shown in the record, the registration officer must grant the application if it meets the requirements of Chapter 2 of this Part.
- (9) The registration officer must, in respect of each petition, keep a special list (“the proxy postal signers list”) of those who are for the time being included in the record kept under paragraph (7), together with the addresses provided by them in their application under paragraph (5) or paragraph (8) (as the case may be) as the addresses to which their signing sheets are to be sent.
- (10) In the case of a person who has an anonymous entry in the register, the proxy postal signers list must contain only—
- (a) the person’s electoral number; and
  - (b) the period for which the anonymous entry has effect.
- (11) The registration officer must remove a person from the record kept under paragraph (7)—
- (a) if that person applies to the registration officer to be removed;
  - (b) if the appointer ceases to be entitled to sign the petition as mentioned in paragraph (6)(a);
  - (c) if the appointment of the person concerned as the appointer’s proxy ceases to be in force (whether or not that person is re-appointed); or
  - (d) in the case of a person who applied to sign the petition by post as proxy for a particular period, once that period has expired, unless paragraph (16) applies.
- (12) The registration officer must on the completion of the proxy postal signers list, supply to the petition officer so much of that list as relates to the constituency to which the petition relates.
- (13) Paragraph (3) does not prevent a person, at the petition signing place to which the person is allotted, signing a tendered signing sheet in the circumstances prescribed in regulation 30 (tendered signing sheets) if the person would otherwise be able to do so.
- (14) The registration officer may dispense with the requirement under paragraph (6)(d) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has;
  - (b) to provide a signature because the applicant is unable to read or write; or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (15) For petitions held in Northern Ireland, the following modifications are made to this regulation—
- (a) in paragraph (6), a person applying to sign the petition by post as proxy must provide an address in the United Kingdom as an address to which their signing sheet is to be sent;
  - (b) paragraphs (7)(a), (12) and (14) do not apply.
- (16) For the purposes of paragraph (11)(d), and without prejudice to paragraph (11)(a) to (c), where a person has been granted an application under paragraph (5) to sign the petition by post as proxy for a definite period, and that period expires during the signing period for a particular petition, that definite period is deemed to continue until the end of the signing period for the purposes of enabling the proxy to sign the petition by post.

### **The personal identifiers record: England and Wales and Scotland**

**59.**—(1) The registration officer must maintain a record (“the personal identifiers record”), apart from the other records and lists which the officer is required to keep under this Part, of the signatures

and dates of birth provided by persons whose applications under regulation 51 (absent signing at any petition for a definite or an indefinite period), regulation 53 (absent signing at a particular petition) or regulation 58 (signing the petition as a proxy) were granted, until the expiry of twelve months from—

- (a) the date on which a person is removed from the record kept pursuant to regulation 51(4) or 58(7); or
  - (b) the date of the last day of the signing period of the petition for which the person's application for absent signing of the petition was granted under regulation 53(1) or (2).
- (2) The personal identifiers record must contain the following information in respect of each person on the postal signers list, the list of proxies or proxy postal signers list—
- (a) their name;
  - (b) their date of birth; and
  - (c) their signature, or a record of the waiver by the registration officer of the requirement for a signature.
- (3) The registration officer may disclose information held in the personal identifiers records to—
- (a) any person attending proceedings on receipt of postal signing sheets, who is entitled to do so by virtue of any of sections 6A to 6D of PPERA 2000 (attendance of the Electoral Commission etc), but only to the extent required to permit them to observe proceedings;
  - (b) any other registration officer if the officer thinks that to do so will assist the other registration officer in the performance of his or her duties;
  - (c) any person exercising functions in relation to the preparation or conduct of legal proceedings in relation to a petition.

## CHAPTER 2

### Applications for Absent Signing

#### **General requirements for applications for absent signing**

- 60.**—(1) An application under Chapter 1 of this Part must state—
- (a) the full name of the applicant;
  - (b) except in a case within subparagraph (c), the address in respect of which the applicant is registered or has applied to be (or is treated as having applied to be) registered in the registers of electors;
  - (c) in the case of an application under regulation 58(5) (signing the petition by post as a proxy), the proxy's address, together with the name of the elector for whom the applicant will act as proxy and the elector's address for the purposes of subparagraph (b);
  - (d) in the case of a person applying to sign the petition by post, the address to which the signing sheet should be sent;
  - (e) in the case of an application to sign the petition by proxy, the grounds on which the applicant claims to be eligible to sign the petition by proxy;
  - (f) in the case of a person who is unable to provide a signature (or a consistent or distinctive signature), the reasons for requesting the waiver of any requirement under regulation 51, regulation 53 or regulation 58 to provide a signature and the name and address of any person who has assisted in the completion of the application; and
  - (g) where the applicant has, or has applied for, an anonymous entry, that fact.
- (2) The application must be made in writing and must be dated.

(3) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—

- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high, and
- (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(4) Paragraph (3)(a) does not apply where the application contains a request that the registration officer waive the requirement for a signature.

(5) An application under regulation 53 (absent signing at a particular petition: England and Wales and Scotland) or regulation 54 (absent signing at a particular petition: Northern Ireland) must—

- (a) state that it is made for a particular petition, and
- (b) identify the petition in question.

(6) An application to sign the petition by proxy must also include an application for the appointment of a proxy which meets the requirements of regulation 57 (proxies at petitions).

(7) For petitions in Northern Ireland, the following modifications are made to this regulation—

- (a) an application under paragraph (1) must also contain—
  - (i) the signature of the applicant; and
  - (ii) an address in the United Kingdom to which the applicant's signing sheet is to be sent, and
- (b) paragraphs (1)(f) and (3) do not apply.

**Additional requirements for applications for signing sheets to be sent to different address from that stated in application**

**61.**—(1) Subject to paragraph (3) this regulation applies where—

- (a) in the case of an application to sign the petition by post under regulation 51(1), 52(1), 53(1) or 54(1), the addresses stated in accordance with regulation 60(1)(b) and (d) are different;
- (b) in the case of an application by a proxy to sign by post under regulation 58(5), the proxy's addresses stated in accordance with regulation 60(1)(c) and (d) are different.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the postal signing sheet to be sent to the address stated in accordance with regulation 60(1)(d).

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

**Additional requirements for applications for signing sheets to be sent to different addresses from that shown in the record kept by the registration officer**

**62.**—(1) Subject to paragraph (3), this regulation applies in respect of applications under—

- (a) regulation 53(4)(a) by a person shown as signing the petition by post in the record kept under regulation 51(4), or shown as voting by post in the record kept under paragraph 3(4) or 7(6) of Schedule 4;
- (b) regulation 54(4)(a) by a person shown as signing the petition by post in the record kept under regulation 52(5), or shown as voting by post in the record kept under section 6(3) or section 9(6) of the 1985 Act;
- (c) regulation 58(8) by a person shown as signing the petition by post in the record kept under regulation 58(7).

(2) For the applicant's postal signing sheet to be sent to a different address from that shown in the records the application must set out why the applicant's circumstances will be, or are likely to be, such that the applicant requires the postal signing sheet to be sent to that address.

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

#### **Additional requirements for applications for the appointment of a proxy**

**63.**—(1) An application for the appointment of a proxy under regulation 51, 52, 53 or 54 must state the full name and address of the person the applicant wishes to appoint as proxy, together with that person's family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, must contain a statement by the applicant that the person so named has been consulted and that that person is capable of being and willing to be appointed to sign the petition as proxy; or
- (b) if it is also signed by the person to be appointed, must contain a statement by that person that the person is capable of being and willing to be appointed to sign the petition as the applicant's proxy.

(2) Where the application mentioned in paragraph (1) is made by an elector with an anonymous entry in the register of electors maintained by the Chief Electoral Officer for Northern Ireland, the application must also be accompanied by an application, by the person to be appointed as proxy, under regulation 58(5) (application to sign the petition by post as proxy).

#### **Additional requirements for applications for a proxy signature for a definite or an indefinite period on grounds of blindness or other disability: England and Wales and Scotland**

**64.**—(1) An application to sign the petition by proxy for a particular or indefinite period under regulation 51(2) in pursuance of the grounds under paragraph (3)(c) of that regulation must specify the disability by reason of which it is made.

(2) Subject to paragraph (3), such an application must be attested and signed by—

- (a) a registered medical practitioner<sup>(2)</sup>;
- (b) a registered nurse<sup>(3)</sup>;
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984<sup>(4)</sup>;
- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989<sup>(5)</sup>;
- (e) a registered pharmacist within the meaning of article 3(1) of the Pharmacy Order 2010<sup>(6)</sup>;
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993<sup>(7)</sup>;
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994<sup>(8)</sup>;
- (h) a Christian Science practitioner;
- (i) a person registered as a member of a profession to which the Health and Social Work Professions Order 2001<sup>(9)</sup> extends;

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(2) A registered medical practitioner means a fully registered person within the meaning of the Medical Act 1983 (c. 54) who holds a licence to practise under that Act; see Schedule 1 to the Interpretation Act 1978 (c. 30).

(3) A registered nurse means a nurse registered in the register maintained under article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253) by virtue of qualifications in nursing; see Schedule 1 to the Interpretation Act 1978.

(4) 1984 c. 24.

(5) 1989 c. 44.

(6) S.I. 2010/231.

(7) 1993 c. 21.

(8) 1994 c. 17.

(9) S.I. 2002/254.

- (j) the person registered—
    - (i) in England and Wales, as carrying on a care home registered under Part 2 of the Care Standards Act 2000<sup>(10)</sup>, or
    - (ii) in Scotland, as managing a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010<sup>(11)</sup>,  
where the applicant is resident in such a home;
  - (k) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he or she resides in such premises;
  - (l) a manager—
    - (i) in England and Wales, within the meaning of section 145(1) of the Mental Health Act 1983<sup>(12)</sup>, or
    - (ii) in Scotland, within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(13)</sup> responsible for the administration of a hospital within the meaning of that section,  
or a person authorised to act on behalf of such a manager for these purposes;
  - (m) a person registered in the register of social workers maintained—
    - (i) in England, in accordance with the Health and Social Work Professions Order 2001;
    - (ii) in Wales, in accordance with section 56 of the Care Standards Act 2000, or
    - (iii) in Scotland, in accordance with section 44 of the Regulation of Care (Scotland) Act 2001<sup>(14)</sup>.
- (3) A person who qualifies—
- (a) by virtue of any of paragraphs (2)(a) to (i) may not attest an application for these purposes unless—
    - (i) the person is treating the applicant for the disability specified in the application;
    - (ii) the applicant is receiving care from that person in respect of that disability; or
  - (b) by virtue of paragraph (2)(m) may not attest an application for these purposes unless—
    - (i) the person is treating the applicant for the disability specified in the application;
    - (ii) the applicant is receiving care from the person in respect of that disability; or
    - (iii) the person has arranged care or assistance for the applicant in respect of that disability.
- (4) The person attesting the application must state—
- (a) their name and address and the qualification by virtue of which they attest the application;
  - (b) where the person (A) who attests the application is a person referred to in paragraph (3) (a), that—
    - (i) A is treating the applicant for the disability specified in the application; or
    - (ii) the applicant is receiving care from A in respect of that disability;
  - (c) where the person (B) who attests the application is a person referred to in paragraph (3) (b), that—

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<sup>(10)</sup> 2000 c. 14.

<sup>(11)</sup> 2010 asp. 8.

<sup>(12)</sup> 1983 c. 20.

<sup>(13)</sup> 2003 asp. 13.

<sup>(14)</sup> 2001 asp. 8.

- (i) B is treating the applicant for the disability specified in the application;
  - (ii) the applicant is receiving care from B in respect of that disability; or
  - (iii) B has arranged care or assistance for the applicant in respect of that disability;
  - (d) that, to the best of their knowledge and belief, the applicant has the disability specified in the application and that the applicant cannot reasonably be expected to go in person to their allotted petition signing place or to sign unaided there by reason of that disability; and
  - (e) that, to the best of their knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) Paragraphs (2) to (4) do not apply where—
- (a) the application is based on the applicant’s blindness and—
    - (i) in England, the applicant is registered by the local authority which is specified in the application as a person who is severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)**(15)**;
    - (ii) in Wales, the applicant is registered as a blind person by the local authority which is specified in the application and which has made arrangements for the applicant under section 29(1) of the National Assistance Act 1948**(16)**;
    - (iii) in Scotland, the applicant is registered as a blind person by the local authority which is specified in the application; or
  - (b) the applicant is in receipt of—
    - (i) the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992)**(17)**,
    - (ii) the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012)**(18)**, or
    - (iii) the armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011**(19)**,
 because of the disability specified in the application.
- (6) The fact that an applicant is registered with a local authority as a person who is severely sight-impaired or as a blind person, as mentioned in paragraph (5)(a), is to be deemed sufficient evidence that the applicant is eligible to sign the petition by proxy on the grounds set out in regulation 51(3)(c).
- (7) A manager (or person authorised to act on behalf of such a manager) attesting an application by virtue of paragraph (2)(l) must, instead of the matters specified in paragraph (4)(a), state in the attestation—
- (a) the name of the person attesting the application;
  - (b) that the person is authorised to attest the application;
  - (c) the position of the person in the hospital at which the applicant is liable to be detained, or at which the applicant is receiving treatment;
  - (d) the statutory provision under which the applicant is liable to be detained at the hospital (where applicable).

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**(15)** 2014 c. 23.

**(16)** 1948 c. 29.

**(17)** 1992 c. 4.

**(18)** 2012 c. 5.

**(19)** S.I. 2011/2552.



### **Additional requirements for applications for a proxy signature for an indefinite period on grounds of blindness or other disability: Northern Ireland**

**65.**—(1) An application to sign the petition by proxy for an indefinite period under regulation 52(1) in pursuance of the grounds under paragraph (4)(c) of that regulation must specify the disability by reason of which it is made.

(2) Such an application must be attested and signed by a person who is registered in the register of parliamentary electors and who is—

- (a) a registered medical practitioner;
- (b) a registered nurse;
- (c) a social worker registered under the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Services Act (Northern Ireland) 2001<sup>(20)</sup>;
- (d) a Christian Science practitioner;
- (e) the person registered under the Registered Homes (Northern Ireland) Order 1992<sup>(21)</sup> as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he or she is resident in such a home;
- (f) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(22)</sup>, where the applicant states that he or she is resident in such accommodation; or
- (g) the manager or other person in charge of premises forming one of a group of premises provided for persons of pensionable age or persons with a disability for which there is a resident manager or other person in charge, where the applicant states that he resides in such premises.

(3) The person attesting the application (“A”) must state—

- (a) A’s name and address and the qualification by virtue of which A attests the application;
- (b) that A is registered in the register of parliamentary electors;
- (c) that, to the best of A’s knowledge and belief, the applicant has the disability specified in the application and that the applicant cannot reasonably be expected to go in person to their allotted signing place or to sign the petition unaided there by reason of that disability; and
- (d) that, to the best of A’s knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by A.

(4) Paragraphs (2) and (3) do not apply where—

- (a) the application is based on the applicant’s blindness and the applicant is registered as a blind person by a Health and Social Care Trust which is specified in the application; or
- (b) the application states that the applicant is in receipt of—
  - (i) the higher rate of attendance allowance (payable under section 65 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(23)</sup>),
  - (ii) the highest rate of the care component or the higher rate of the mobility component (or both) of the disability living allowance (payable under section 72 and section 73 of that Act), or

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<sup>(20)</sup> 2001 c. 3.

<sup>(21)</sup> 1992 No. 3204 (N.I. 20).

<sup>(22)</sup> 1972 No. 1265 (N.I. 14).

<sup>(23)</sup> 1992 c. 7.

(iii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,

because of the disability specified in the application.

(5) The fact that an applicant is registered with a Health and Social Care Trust as a blind person, as mentioned in paragraph (4)(a), is to be deemed sufficient evidence that the applicant is eligible to sign the petition by proxy as set out in regulation 52(4)(c).

**Additional requirements for applications for a proxy signature for a definite or an indefinite period based on occupation, service, employment or attendance on a course**

66.—(1) An application to sign the petition by proxy for a particular or an indefinite period under regulation 51(2) in pursuance of the grounds under paragraph (3)(d) of that regulation, or for an indefinite period under regulation 52(1) in pursuance of the grounds under paragraph (4)(d) of that regulation (as the case may be) must state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or the applicant’s spouse or civil partner or, as the case may be, it is the applicant or the applicant’s spouse or civil partner who is attending the course provided by an educational institution by reason of which the application is made;
  - (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
  - (c) where the person in respect of whose occupation, service or employment the application is made (in this regulation referred to as “the employed person”) is self-employed, that fact; and in any other case the name of that person’s employer;
  - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to the allotted petition signing place.
- (2) Such an application must be attested and signed—
- (a) where the person is self-employed, by a person who—
    - (i) is aged 18 years or over;
    - (ii) knows the self-employed person; and
    - (iii) is not related to that person;
  - (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
  - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the principal or head.
- (3) The person attesting an application under paragraph (2) must—
- (a) where the applicant is the employed person, self-employed person or the person attending the course, certify that the statements required by paragraph (1)(a) to (d) to be included in the application are true; or
  - (b) where the applicant is the spouse or civil partner of the employed person, self-employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of paragraph (1)(a) to (c) are true.
- (4) The person (“A”) attesting an application under paragraph (2) must also state—
- (a) A’s name and address, that A is aged 18 years or over, that A knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him or her; and

- (b) if A is attesting as or on behalf of the employer of the employed person, that A is the employer or the position A holds in the employment of that employer; or
- (c) if A is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post A holds at that institution.

**Additional provision concerning the requirement that an application for absent signing must be signed by the applicant: England and Wales and Scotland**

67. The registration officer must be satisfied—

- (a) that an application under Chapter 1 of this Part meets any requirements that it has been signed by the applicant and states his or her date of birth by referring to any signature and date of birth previously provided by the applicant to the registration officer; and
- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read and write.

**Additional requirements for applications for a proxy signature in respect of a particular petition: England and Wales and Scotland**

68.—(1) An application under regulation 53(2) to sign a particular petition by proxy must set out why the applicant's circumstances during the signing period in respect of the petition for which it is made will be, or are likely to be, such that they cannot reasonably be expected to sign in person at their allotted signing place.

(2) Where an application under regulation 53(2) is made—

- (a) on the grounds of the applicant's disability, and
- (b) after 5pm on the sixth day before the last day of the signing period for the petition for which it is made,

the requirements of regulation 64 (proxy signature on the grounds of disability) as to the matters to be specified and the attestation are to apply.

(3) Where an application mentioned in paragraph (2) is made, the person who attests the application ("A") must state, in addition to those matters specified in regulation 64, to the best of A's knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under regulation 53(2) is made—

- (a) on grounds relating to the applicant's occupation, service or employment, and
- (b) after 5pm on the sixth day before the last day of the signing period for the petition for which it is made,

the requirements of regulation 69 (emergency proxy signature) as to the matters to be specified and the attestation are to apply.

(5) Where an application under regulation 53(2) is made by a person to whom section 7(1) of the 1983 Act applies (patients in mental hospitals who are not detained offenders) after 5pm on the sixth day before the last day of the signing period for the petition for which it is made, the requirements of paragraph (6) as to the matters to be specified and as to attestation are to apply.

(6) Where an application mentioned in paragraph (5) is made—

- (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained; and
- (b) the application must be attested by the manager, within the meaning of section 145(1) of the Mental Health Act 1983, or section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003, responsible for the administration of the hospital at which the

applicant is liable to be detained, or a person authorised to act on behalf of such a manager for these purposes, and the attestation must state—

- (i) the name of the person attesting the application;
- (ii) that the person is authorised to attest the application;
- (iii) the position of the person in the hospital at which the applicant is liable to be detained; and
- (iv) the statutory provision under which the applicant is liable to be detained at the hospital (where applicable).

(7) This regulation does not apply where the applicant has an anonymous entry.

**Additional requirements: applications for an emergency proxy signature in respect of a particular petition: England and Wales and Scotland**

**69.**—(1) This regulation sets out the requirements referred to in regulation 68(4).

(2) The application must (in addition to providing the information required by regulation 68(1)) state—

- (a) where the applicant is self-employed, that fact; and in any other case, the name of the applicant's employer;
- (b) that the reason provided in accordance with regulation 68(1) relates to the applicant's occupation, service or employment; and
- (c) the date on which the applicant became aware of that reason.

(3) Paragraphs (4) to (6) apply unless the applicant is or will be registered as a service voter.

(4) The application must be attested and signed—

- (a) where the applicant is self-employed, by a person who—
  - (i) is aged 18 years or over;
  - (ii) knows the applicant; and
  - (iii) is not related to the applicant;
- (b) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer.

(5) The person ("A") attesting an application under paragraph (4) must certify that the statements required by paragraph (2) and the information required by regulation 68(1) are true to the best of their knowledge and belief.

(6) A must also state A's name and address and—

- (a) where A is attesting that the applicant is self-employed, that A is aged 18 years or over and that A knows, but is not related to, the applicant, or
- (b) where A is attesting as, or on behalf of, the employer of the applicant, that A is the employer, or the position that A holds in the employment of that employer.

**Additional requirements for applications in respect of a particular petition: Northern Ireland**

**70.**—(1) This regulation applies to an application under regulation 54(1) to sign a particular petition by proxy.

(2) The application must set out why the applicant's circumstances during the signing period for the petition for which it is made will be or are likely to be such that the applicant cannot reasonably

be expected to sign the petition in person at the petition signing place allotted or likely to be allotted to the applicant under regulation 16 (allotment of petition signing places).

(3) Except in respect of an application to which paragraph (5) or (7) applies, such an application must be signed and attested by a person who—

- (a) is aged 18 years or over;
- (b) resides in the United Kingdom;
- (c) knows the applicant but is not related to them; and
- (d) has not attested under this paragraph any other application in respect of the petition for which the application that person attests is made.

(4) The person (P) attesting an application under paragraph (3) must state—

- (a) P's full name and address,
- (b) that P is aged 18 years or over,
- (c) that P resides in the United Kingdom,
- (d) that P knows the applicant but is not related to that person, and
- (e) that P has not attested under paragraph (3) any other application in respect of the petition for which the application P attests is made,

and must certify that, to the best of P's knowledge and belief, the statement included in the application in accordance with paragraph (2) is true.

(5) This paragraph applies in respect of an application in which the circumstances set out in accordance with paragraph (2) are that the applicant will be, or is likely to be, ill during the signing period, and which—

- (a) specifies the illness which the applicant is likely to suffer from; and
- (b) is attested and signed by one of the persons specified in subparagraph (a), (b) or (c) of regulation 65(2) (proxy signature on grounds of disability).

(6) The person (P) attesting an application under paragraph (5) must state—

- (a) P's name and address;
- (b) that P is registered in the register of parliamentary electors;
- (c) the qualification by virtue of which P is authorised to attest it;
- (d) that P has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (2); and
- (e) that, to the best of P's knowledge and belief the applicant—
  - (i) is suffering from the illness specified in the application,
  - (ii) will be or is likely to be so suffering during the whole of the signing period, and
  - (iii) cannot reasonably be expected to sign the petition in person at the petition signing place allotted or likely to be allotted to the applicant under regulation 16 (allotment of petition signing places) because of that illness.

(7) This paragraph applies in respect of an application—

- (a) which is received by the registration officer after 5pm on the eleventh day before the end of the signing period but before 5pm on the sixth day before the end of that period;
- (b) in which the circumstances set out in accordance with paragraph (2) relate to the applicant's employment either as a constable or person employed by the petition officer to attend at a petition signing place during the signing period of the petition for which the application is made;

- (c) which states the employment in question; and
- (d) in the case of a constable, which is signed by a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

### **Closing date for applications: England and Wales and Scotland**

71.—(1) An application under regulation 51(1), (6) or (7), or 58(5) must be disregarded for the purposes of a particular petition if it is received by the registration officer after 5pm on the eleventh day before the last day of the signing period.

(2) An application under regulation 51(2) or 57(6) must be disregarded for the purposes of a particular petition if it is received by the registration officer after 5pm on the sixth day before the last day of the signing period.

(3) Subject to paragraph (4), an application under regulation 53(2) or 57(7) must be refused if it is received by the registration officer after 5pm on the sixth day before the last day of the signing period at the petition for which it is made.

(4) Where an application made under regulation 53(2) is made—

- (a) on the grounds of the applicant's disability and the applicant became disabled after 5 pm on the sixth day before the last day of the signing period at the petition for which it is made;
- (b) on grounds relating to the applicant's occupation, service or employment and the applicant became aware of those grounds after 5pm on the sixth day before the last day of the signing period at the petition for which it is made; or
- (c) by a person to whom section 7 of the 1983 Act (mental health patients who are not detained offenders) applies and who is liable, by virtue of any enactment to be detained in the mental hospital in question, whether that person is registered by virtue of that provision or not,

the application, or an application under regulation 57(7) made by virtue of that application, must be refused if it is received on the last day of the signing period less than 5 hours before the end of the period for which the petition is available for signing on that day.

(5) An application under regulation 53(1) or 58(8) must be refused if it is received by the registration officer after 5pm on the eleventh day before the last day of the signing period at the petition for which it is made.

(6) An application under—

- (a) regulation 51(5)(a) by an elector to be removed from the record kept under regulation 51(4), or
- (b) regulation 58(11)(a) by a proxy to be removed from the record kept under regulation 58(7),

and a notice under regulation 57(9) by an elector cancelling a proxy's appointment must be disregarded for the purposes of a particular petition if it is received by the registration officer after 5pm on the eleventh day before the last day of the signing period at that petition.

(7) Any application or notice mentioned in this regulation must be disregarded for the purposes of a particular petition if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal signing sheet to the petition officer (except where it has been returned in accordance with regulation 94 or 96 (spoilt and lost postal signing sheets)).

### **Closing date for applications: Northern Ireland**

72.—(1) An application under regulation 52(1) or (7), 57(6) or 58(5) must be disregarded for the purposes of a particular petition if it is received by the registration officer after 5pm on the eleventh day before the last day of the signing period.

(2) Subject to paragraph (3), an application under regulation 54(1), 57(7) or 58(8) must be refused if it is received by the registration officer after 5pm on the eleventh day before the last day of the signing period.

(3) Paragraph (2) is not to apply to an application which satisfies the requirements of regulation 70(7) (person employed as a constable or person attending at signing places); and such an application must be refused if it received by the registration officer after 5pm on the sixth day before the last day of the signing period.

(4) An application under—

(a) regulation 52(6)(a) by an elector to be removed from the record kept under regulation 52(5), or

(b) regulation 58(11)(a) by a proxy to be removed from the record kept under regulation 58(7), and a notice under regulation 57(9) by an elector cancelling a proxy's appointment must be disregarded for the purposes of a particular petition if it is received by the petition officer after 5pm on the eleventh day before the last day of the signing period at that petition.

(5) Any application or notice mentioned in this regulation must be disregarded for the purposes of a particular petition if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal signing sheet to the petition officer (except where it has been returned in accordance with regulation 95 or 97 (spoilt and lost postal signing sheets)).

### **Grant or refusal of applications**

**73.**—(1) Where the registration officer grants an application to sign the petition by post, the officer must notify the applicant of that decision.

(2) Where the registration officer grants an application for the appointment of a proxy, that officer must confirm in writing to the elector that the proxy has been appointed, the proxy's name and address and the duration of the appointment.

(3) Where the registration officer refuses an application under this Part, the officer must notify the applicant of that decision and of the reasons for it.

(4) Where the registration officer grants an application made under—

(a) regulation 53(4) by a person shown as signing the petition by post in the record kept under regulation 51(4),

(b) regulation 54(4) by a person shown as signing the petition by post in the record kept under regulation 52(5),

(c) regulation 58(8) by a person shown as signing the petition by post in the record kept under regulation 58(7),

the officer must notify the applicant of this.

(5) Where a person is removed from the record kept pursuant to regulation 51(4), 52(5) or 58(7) the registration officer must where practicable notify that person of this and the reason for it.

(6) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must, where practicable, notify the elector that the appointment has been cancelled or notify the elector that the appointment has ceased and the reasons for it (as the case may be).

(7) Where under regulation 71 or 72 (closing date for applications) the registration officer disregards an application for the purposes of a particular petition, the officer must, where practicable, notify the applicant of this.

(8) The registration officer must send to the petition officer details of any application to sign the petition by post which has been granted under this Chapter as soon as practicable after it is granted.

### **Appeals: England and Wales**

74.—(1) An appeal lies to the county court from a decision of the registration officer refusing an application—

- (a) to sign a petition by post or proxy under regulation 51(1) or (2) or 53(1) or (2);
- (b) to sign a petition by post as proxy under regulation 58(5);
- (c) to sign a petition by proxy instead of post or by post instead of proxy under regulation 51(6) or (7);
- (d) for a signing sheet to be sent to a different address under regulation 53(4)(a) or 58(8);
- (e) to appoint a proxy under regulation 57(6) and (7).

(2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this regulation.

(3) An appeal to the county court or Court of Appeal by virtue of this regulation which is pending when notice of a petition is given under regulation 14 (notice of petition) does not prejudice the operation as respects the petition of the decision appealed against, and anything done in pursuance of the decision—

- (a) is as good as if no such appeal had been brought; and
- (b) is not affected by the decision of the appeal.

(4) The registration officer must make the necessary entries in the record kept under regulation 51(4) and 58(7) as may be required to give effect to that decision.

(5) On any appeal, the registration officer is deemed to be a party to the proceedings and the registration expenses payable to that officer include any expenses properly incurred by virtue of this regulation.

### **Appeals: Scotland**

75.—(1) An appeal lies to the sheriff from a decision of the registration officer refusing an application—

- (a) to sign a petition by post or proxy under regulation 51(1) or (2) or 53(1) or (2);
- (b) to sign a petition by post as proxy under regulation 58(5);
- (c) to sign a petition by proxy instead of post or by post instead of proxy under regulation 51(6) or (7);
- (d) for a signing sheet to be sent to a different address under regulation 53(4)(a) or 58(8);
- (e) to appoint a proxy under regulation 57(6) and (7).

(2) An appeal lies on any point of law from any decision of the sheriff under this regulation to the court of three judges constituted under paragraph (3).

(3) The court for hearing appeals under paragraph (2) is to consist of three judges of the Court of Session who are to be appointed by the Court of Session by act of sederunt and of whom one judge is to be appointed from each division of the Inner House and one from the Lords Ordinary in the Outer House; and the Principal Clerk of Session is to be clerk of the court.

(4) The Court of Session may by act of sederunt fill any vacancy in the court of three judges, and regulate its sittings and forms of process so as to carry out the provisions of these Regulations; and acts of sederunt under this regulation may be made, and the court of three judges may sit, either during the sitting of the Court of Session or in vacation or recess.

(5) No appeal lies from a decision of the Court of Session on appeal from a decision of the sheriff under this regulation.



(6) An appeal to the sheriff or Court of Session by virtue of this regulation which is pending when notice of a petition is given under regulation 14 (notice of petition) does not prejudice the operation as respects the petition of the decision appealed against, and anything done in pursuance of the decision—

- (a) is as good as if no such appeal had been brought; and
- (b) is not affected by the decision of the appeal.

(7) The registration officer must make the necessary entries in the record kept under regulation 51(4) and 58(7) as may be required to give effect to that decision.

(8) On any appeal, the registration officer is deemed to be party to the proceedings and the registration expenses payable to that officer include any expenses properly incurred by virtue of this regulation.

### **Appeals: Northern Ireland**

**76.**—(1) An appeal lies to the county court from any decision under these Regulations of the Chief Electoral Officer for Northern Ireland refusing a person's application—

- (a) to sign a petition by post or proxy under regulation 52(1) or 54(1);
- (b) to sign a petition by post as proxy under regulation 58(5);
- (c) to sign a petition by proxy instead of post or by post instead of proxy under regulation 52(7);
- (d) for a signing sheet to be sent to a different address under regulation 54(4)(a) or 58(8);
- (e) to appoint a proxy under regulation 57(6) and (7).

(2) An appeal to the county court or Court of Appeal by virtue of this regulation which is pending when notice of a petition is given under regulation 14 (notice of petition) does not prejudice the operation as respects the petition of the decision appealed against, and anything done in pursuance of the decision—

- (a) is as good as if no such appeal had been brought, and
- (b) is not affected by the decision of the appeal.

(3) The Chief Electoral Officer for Northern Ireland must make the necessary entries in the record kept under regulation 52(5) and 58(7) as may be required to give effect to that decision.

(4) On any appeal, the Chief Electoral Officer is deemed to be a party to the proceedings and the registration expenses payable to him or her include any expenses properly incurred by virtue of this regulation.

(5) Section 21(1) of the Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc) applies as if the jurisdiction conferred by subsection (1) were conferred by any enactment within the meaning of that Act.

### **Notice of appeal**

**77.**—(1) A person desiring to appeal under regulation 74, 75 or 76 against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 73 (grant or refusal of applications), specifying the grounds of appeal.

(2) The registration officer must forward any such notice to the appropriate court in the manner directed by rules of court together in each case with a statement of the material facts which in that officer's opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

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

(4) In the application of this regulation to Scotland, a reference to the court is to be read as a reference to the sheriff.

### **Cancellation of proxy appointment**

**78.** Where the appointment of a proxy is cancelled by notice given to the registration officer under regulation 57(9) or ceases to be in force under regulation 57(10), the petition officer must—

- (a) notify the person whose appointment as proxy has been cancelled, expired or is no longer in force, unless the registration officer has previously been notified by that person that they no longer wish to act as proxy; and
- (b) remove that person's name from the record kept under regulation 51(4) or regulation 52(5) (as the case may be).

### **Inquiries by registration officer**

**79.**—(1) The registration officer may, at such times as he or she considers appropriate, make inquiries of a person who is shown as signing the petition by proxy in the record kept under—

- (a) regulation 51(4) in pursuance of an application granted on the grounds set out in regulation 51(3)(c) or (d), or
- (b) regulation 52(5) in pursuance of an application granted on the grounds set out in regulation 52(4)(c) or (d),

for the purpose of determining whether there has been a material change of circumstances.

(2) Where the grant of an application to sign the petition by proxy—

- (a) for an indefinite or particular period, was based on the grounds referred to in regulation 51(3)(d); or
- (b) for an indefinite period, was based on the grounds referred to in regulation 52(4)(d),

the registration officer must make the inquiries referred to not later than three years after the granting of the application or of the last such inquiries.

(3) The petition officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

### **Records and lists kept under this Part**

**80.**—(1) The registration officer must, on request, supply free of charge a copy of the lists kept under regulation 55 and regulation 56 (absent signers lists) and regulation 58(9) (proxy postal signers list) to—

- (a) a registered political party, other than a minority party, within the meaning of section 160(1) of PPERA 2000 (general interpretation);
- (b) the MP to whom a petition relates;
- (c) the Electoral Commission;
- (d) the Security Service, Government Communications Headquarters and the Secret Intelligence Service;

- (e) any police force in Great Britain, the Police Service of Northern Ireland, the Police Service of Northern Ireland (Reserve), the National Crime Agency, and any body of constables established under an Act of Parliament; and
  - (f) an accredited campaigner within the meaning of Part 5 of Schedule 3 to the Act.
- (2) The registration officer must make available for inspection at his or her office a copy of the records kept under regulations 51(4), 52(5) and 58(7).
- (3) As soon as practicable after 5pm on the cut-off day the registration officer must—
- (a) publish the lists kept under regulations 55, 56 and 58(9) by making a copy of them available for inspection at his or her office; and
  - (b) send to the petition officer a copy of those lists.
- (4) The registration officer must ensure that where he or she supplies or discloses information in accordance with this regulation, he or she does not supply or disclose any record relating to—
- (a) a person who has an anonymous entry; or
  - (b) the proxy of a person who has an anonymous entry.
- (5) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer must ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—
- (a) search it by electronic means by reference to the name of any person; or
  - (b) copy or transmit any part of that copy by electronic, or any other means.
- (6) A person who inspects a copy of the information, whether a printed copy or in data form, may not—
- (a) make copies of any part of it, or
  - (b) record any particulars in it,
- otherwise than by means of hand-written notes.
- (7) No person who has obtained access to a copy of a list referred to under paragraph (1), or information contained in such lists, may—
- (a) supply a copy of that list,
  - (b) disclose any information contained in those lists (that is not disclosed in the edited register), or
  - (c) make use of any such information,
- other than for a permitted purpose specified in paragraph (8).
- (8) The permitted purposes are—
- (a) where a copy of any information was supplied to a person or body referred to in paragraph (1)(d) or (e)—
    - (i) the prevention and detection of crime and the enforcement of the criminal law (whether in the United Kingdom or elsewhere), or
    - (ii) the vetting of a relevant person (within the meaning of regulation 109(5) of the 2001 Regulations and regulation 108(5) of the 2001 (Scotland) Regulations) for the purposes of safeguarding national security;
  - (b) where a copy of any information was supplied to the Electoral Commission, in connection with their functions under, or by virtue of, PPERA 2000;
  - (c) in any other case, for the purposes of a petition.

### **Marked register for petition signing place**

**81.** To indicate that an elector or that person's proxy is entitled to sign the petition by post and is for that reason not entitled to sign the petition in person, the letter "A" must be placed against the entry of the elector in any copy of the register, or part of it, provided at a petition signing place.