

DRAFT STATUTORY INSTRUMENTS

2016 No. 0000

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

**The Representation of the People (England and Wales)
(Amendment) Regulations 2016**

Made - - - - *0000*

Coming into force in accordance with regulation 1

The Chancellor of the Duchy of Lancaster makes these Regulations in exercise of the powers conferred by sections 9D(3), 9E(2), 10ZC(3), 10ZD(3), 53(1) and (3) of, and paragraphs 1(2), 1(2A), 3ZA, 3C, 10B, 12 and 13(2) of Schedule 2 to, the Representation of the People Act 1983(a) and paragraph 7B of Schedule 4 to the Representation of the People Act 2000(b).

The Chancellor of the Duchy of Lancaster has consulted the Electoral Commission in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(c).

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

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- (a) 1983 c. 2. Section 9D was inserted by section 4, and section 9E by section 5 of the Electoral Registration and Administration Act 2013 (“the 2013 Act”) (c. 6). Sections 10ZC and 10ZD were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act. Section 53(1) and (3) was amended by paragraphs 1 and 13 of Schedule 1, and Schedule 7, to the Representation of the People Act 2000 (“the 2000 Act”) (c. 2) and paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraphs 1(2) and 3C of Schedule 2 to the Representation of the People Act 1983 (“the 1983 Act”) (c. 2) were amended by section 13(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act. Paragraphs 1(2A) and 3ZA of Schedule 2 to the 1983 Act were inserted by section 2(1) of the 2013 Act. Paragraph 10B was inserted by section 9 of the 2000 Act. Paragraph 12 was amended by section 15(1) of, and paragraphs 3 and 11(1) and (3) of Schedule 6 to, the 2000 Act. Powers in the 2013 Act are vested in “the Minister”, which is defined in section 25(1) of that Act. By virtue of the Chancellor of the Duchy of Lancaster Order 2015 (S.I. 2015/1376), article 3 and Schedule 1, sub-paragraphs (a), (g) and (q), powers under the 1983 Act, 2000 Act and 2013 Act exercisable by the Secretary of State concurrently with the Lord President of the Council are instead exercisable concurrently with the Chancellor of the Duchy of Lancaster. Consequential amendments to section 199ZA of the 2013 Act, section 16A of the 2000 Act and section 25(1) of the 2013 Act were accordingly made by article 10 of, and paragraphs 1, 7 and 16 of Schedule 2 to, that Order.
- (b) 2000 c. 2. Paragraph 7B was inserted by section 14(4) of the Electoral Administration Act 2006 (c. 22).
- (c) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.
- (d) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and article 5(b) of S.I. 1991/1728. Section 201(2) applies to regulations made under paragraph 7B of Schedule 4 to the 2000 Act by virtue of paragraph 1(2) of Schedule 4 to the 2000 Act.

Citation and commencement

1. These Regulations may be cited as the Representation of the People (England and Wales) (Amendment) Regulations 2016 and come into force on the day after the day on which they are made.

Amendments to the Representation of the People (England and Wales) Regulations 2001

2. The Representation of the People (England and Wales) Regulations 2001(a) are amended in accordance with regulations 3 to 11.

3. In regulation 3(3A) (interpretation), omit “32ZC, 32ZD,”.

4. In regulation 26 (applications for registration)—

(a) in paragraph (3) after sub-paragraph (ea) insert—

“(eb) space for the applicant to provide information as to whether the applicant is the only person aged 16 or over resident at the address in respect of which the application is made and an explanation that provision of this information is not mandatory.”;

(b) in paragraph (4) after sub-paragraph (b) insert—

“(c) not include space for the information mentioned in paragraph (3)(eb).”;

(c) for paragraph (5) substitute—

“(5) The paper application form for persons applying to be registered in pursuance of an overseas elector’s declaration must—

(a) instead of the information required in paragraph (1)(b), request—

(i) the last address at which the applicant was registered as an elector; and

(ii) the address at which the applicant can be contacted; and

(b) not include space for the information mentioned in paragraph (3)(eb).”;

(d) after paragraph (5) insert—

“(5A) The paper application form for persons applying to be registered in pursuance of a declaration of local connection must not include space for the information mentioned in paragraph (3)(eb).”;

(e) in paragraph (6) for “(3), (4) and (5)” substitute “(3) to (5A)”.

5. In regulation 26B(6)(c) (power to request additional evidence)—

(a) in paragraph (ii) for “in the same local authority area as the applicant” substitute “in a local authority area in England or Wales”;

(b) for paragraph (iv) substitute—

“(iv) who has not already signed attestations under this regulation for two applicants since, whichever is the later,—

(aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act; or

(bb) the date on which that person was added to the register by a notice of alteration under section 13A(2) of that Act.”

6. In regulation 32ZA (annual canvass)—

(a) insert “Subject to paragraphs (4A) and (4B),” at the beginning of paragraph (4);

(b) after paragraph (4) insert—

(a) S.I. 2001/341; relevant amendments were made by S.I.s 2002/1871, 2013/3198 and 2015/1971; there are other amendments which are not relevant to this instrument.

“(4A) Where, during the period beginning with 1st July in each year and ending with the date in that year on which the registration officer publishes a revised version of the register under section 13(1) of the 1983 Act,—

- (a) the registration officer receives an application under section 10ZC or 10ZD of the 1983 Act;
- (b) the application contains information provided by the applicant in accordance with regulation 26(3)(eb), which indicates that the applicant is the only person aged 16 or over resident at the address in respect of which the application has been made;
- (c) the registration officer determines that the applicant is entitled to be registered in respect of that address;

the registration officer is not required (if the officer has not done so already) to send a canvass form to that address under paragraph (4) as part of the annual canvass for that year.

(4B) Where—

- (a) the registration officer receives an application under section 10ZC or 10ZD of the 1983 Act outside the period specified in paragraph (4A);
- (b) the application contains information provided by the applicant in accordance with regulation 26(3)(eb), which indicates that the applicant is the only person aged 16 or over resident at the address in respect of which the application has been made;
- (c) the registration officer determines that the applicant is entitled to be registered in respect of that address;

the registration officer is not required to send a canvass form to that address under paragraph (4) as part of the next annual canvass the registration officer is required to conduct under section 9D of the 1983 Act.”

7. In regulation 32ZB (steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address), after paragraph (5) insert—

“(5A) A registration officer is not required by paragraph (1), (2) or (3) to take any steps if, before he would otherwise be required to do so—

- (a) the registration officer receives an application under section 10ZC or 10ZD of the 1983 Act;
- (b) the application contains information provided by the applicant in accordance with regulation 26(3)(eb), which indicates that the applicant is the only person aged 16 or over resident at the address to which the annual canvass form was sent; and
- (c) the registration officer has determined that the applicant is entitled to be registered in respect of that address.”

8. In regulation 32ZC (invitations to apply for registration)—

(a) in paragraph (2)—

- (i) in sub-paragraph (b) omit “and”;
- (ii) at the end of sub-paragraph (c) insert “and”;
- (iii) after sub-paragraph (c) insert—

“(d) the website address of the digital service.”;

(b) in paragraph (3) before sub-paragraph (a) insert—

“(za) the registration officer must give the invitation either—

- (i) by delivering it to the person, leaving it at the person’s address or sending it to the person’s address by post; or
- (ii) by electronic means;”;

(c) after paragraph (3) insert—

“(3A) Paragraphs (3)(c) and (d) do not apply where the registration officer gives the invitation by electronic means in accordance with paragraph (3)(aa)(ii).”.

9. In regulation 60B(11) (requirement to provide fresh signatures following rejection of a postal voting statement), for “3(4)” substitute “3(9)”.

10. In regulation 91 (forwarding of documents), after paragraph (3A) insert—

“(3B) Sub-paragraph (b) of paragraph (3A) applies to an Authority election as if the reference to the constituency was a reference to the electoral area.”.

11. In regulation 101 (supply of free copy of full register etc)—

(a) at the end of paragraph (1) insert “and the Local Government Boundary Commission for England”;

(b) in paragraph (2), for “Local Government Boundary Commission for Wales” substitute “Local Democracy and Boundary Commission for Wales”.

Date

Name
Minister for Constitutional Reform
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend certain regulations in the Representation of the People (England and Wales) Regulations 2001 (“the 2001 Regulations”) (S.I. 2001/341), making changes to the system of individual electoral registration.

Regulation 4 amends regulation 26, inserting a new provision which requires the Electoral Commission to include on the form of application for registration under section 10ZC or 10ZD of the Representation of the People Act 1983 space for the applicant to provide information as to whether they are the only person aged 16 or over resident at the address in respect of which the application is made. This requirement does not apply to application forms for registration in pursuance of a service declaration, overseas elector’s declaration or declaration of local connection.

Regulation 5 amends the requirements for an attestation in regulation 26B. A person signing an attestation is no longer required to be registered in the same local authority as the applicant but must be registered in a local authority area in England or Wales. A registration officer in England or Wales may require another registration officer in England or Wales to provide information for the purposes of ensuring the requirements in relation to attestations are met.

Regulation 6 amends regulation 32ZA. It removes the requirement on the registration officer to send an annual canvass form where the registration officer has received an application under section 10ZC or 10ZD with information to indicate that the applicant is the only person over 16 resident at the address in respect of which the application has been made. Regulation 7 amends regulation 32ZB, removing the requirement on the registration officer to take the prescribed steps where no information has been received in response to a canvass form in those circumstances.

Regulation 8 amends regulation 32ZC, enabling registration officers to give invitations to apply for registration by electronic means and, where they elect to do so, removing the requirement that the invitation is accompanied by an application form and a pre-addressed reply envelope.

Regulations 9 corrects an error in regulation 60B.

Regulation 10 amends regulation 91 to require a returning officer for an electoral area at a London Assembly election to forward the list of rejected postal voting statements to the registration officers in that electoral area. This is because the registration officers are required to write to electors in their area and tell them that their postal vote was rejected because, for example, the

signature on the postal voting statement did not match the signature in the registration officer's records (see regulation 61C).

Regulation 11 makes amendments to regulation 101. Regulation 11(a) amends regulation 101(1) to rectify the omission of the Local Government Boundary Commission when the provision was updated as a result of the transfer of functions in section 60 of the Local Democracy, Economic Development and Construction Act 2009. Regulation 11(b) amends regulation 101(2) as a consequence of the Local Government (Democracy) (Wales) Act 2013.

An overall impact assessment in relation to the individual electoral registration scheme is available on the Cabinet Office website at <http://www.gov.uk/government/publications/individual-electoral-registration-impact-assessment>.

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