
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020.

(2) These Regulations come into force on the twenty-first day after the day on which they are made.

PART 2

Amendments to the Representation of the People Acts

The Representation of the People Act 1983

2. The Representation of the People Act 1983 is amended in accordance with regulations 3 to 7.

Section 9A (registration officers: duty to take necessary steps)

3.—(1) Section 9A(1) is amended as follows.

(2) In subsection (2)—

(a) after paragraph (za) insert—

“(zb) for the purposes of a register maintained by the Chief Electoral Officer for Northern Ireland under section 9—

(i) no earlier than 1 July in a year in which a canvass under section 10 is conducted, sending to any address a notice that includes the following information—

(aa) details of the canvass, including any time by which the form to be used for the purposes of the canvass is to be submitted,

(bb) an invitation to submit that form through the UK digital service, and

(1) Section 9A was inserted by section 9(1) of the Electoral Administration Act 2006 (c. 22); amended by paragraph 6 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); amended by section 18(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13); extended to Northern Ireland by section 18(1)(a) of that Act; and amended by S.I. 2019/1451.

- (cc) instructions on how to do so;
- (ii) at any time after sending the notices under sub-paragraph (i), sending the form to be used for the purposes of the canvass to any non-responding registered person;”;
- (b) in paragraph (a)—
 - (i) at the beginning, insert “for the purposes of a register of local government electors in Scotland or in Wales,”;
 - (ii) omit from “(in” to the end.
- (3) After subsection (3) insert—
 - “(4) In this section—
 - “non-responding registered person”, in relation to a canvass, means a person who—
 - (a) is registered in a register in respect of an address in Northern Ireland, and
 - (b) has not responded to the canvass;
 - “the UK digital service” has the same meaning as in section 10ZF below, and references to submitting a form through the UK digital service shall be construed in accordance with subsection (4) of that section.”.

Section 10 (maintenance of registers: duty to conduct canvass in Northern Ireland)

- 4.—(1) Section 10(2) is amended as follows.
- (2) In subsection (4A), for “subsection (4B)” substitute “subsections (4B) and (4BZA)”.
- (3) After subsection (4B) insert—
 - “(4BZA) The requirement mentioned in subsection (4A)(a) above does not apply to forms that are submitted through the UK digital service.”.
- (4) For subsection (7) substitute —
 - “(7) In this section—
 - “residence” means residence for the purposes of section 4 above;
 - “the UK digital service” has the same meaning as in section 10ZF below, and references to submitting a form through the UK digital service shall be construed in accordance with subsection (4) of that section.”.

Section 10ZF (digital registration in Northern Ireland)

- 5.—(1) Section 10ZF(3) is amended as follows.
- (2) In the heading, after “Digital registration” insert “and canvass”.
- (3) In subsection (1)—
 - (a) for paragraph (a) substitute—
 - “(a) acting as an intermediary for the purposes of the receipt of—
 - (i) online canvass forms, and

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- (2) Section 10 was substituted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2); amended by section 1(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); amended by paragraphs 5 and 105 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); amended by section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); amended by paragraph 9 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); amended by sections 13 and 14(1)(a)(iv) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13); and amended in consequence of the amendments made to section 78(2) of the Electoral Administration Act 2006 by S.I. 2014/1116.
 - (3) Section 10ZF was inserted by S.I. 2018/699.

- (ii) online applications for registration,
in respect of addresses in Northern Ireland on behalf of the Chief Electoral Officer for Northern Ireland;”;
- (b) in paragraph (b), after “such” insert “forms or”.

Section 10A (maintenance of the registers: registration of electors in Northern Ireland)

- 6.—(1) Section 10A(4) is amended as follows.
- (2) After subsection (2A) insert—
 - “(2B) Where the form referred to in paragraph (a) of subsection (2) above is submitted through the UK digital service, the application referred to in that subsection shall be treated as having been submitted through the UK digital service.”.
- (3) In subsection (9), in the definition of “the UK digital service”, for “an application” substitute “a form or application”.

Section 10B (register of electors in Northern Ireland: digital registration number)

- 7.—(1) Section 10B(5) is amended as follows.
- (2) For subsection (1) substitute—
 - “(1) Where a person meets the condition in subsection (1A) or the condition in subsection (1B), the Chief Electoral Officer for Northern Ireland shall allocate a unique reference number (a “digital registration number”) to the person if no such number has previously been allocated to that person.
 - (1A) A person meets the condition in this subsection if, following receipt of an application for registration made by the person in respect of an address in Northern Ireland and submitted through the UK digital service, the Chief Electoral Officer determines that the person is entitled to be registered in the register.
 - (1B) A person meets the condition in this subsection if—
 - (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies the person as a person who is entitled to be registered in a register,
 - (b) the form is submitted through the UK digital service,
 - (c) section 10A(2) above does not apply, and
 - (d) following receipt of the form, the Chief Electoral Officer determines that the person is entitled to be registered in the register.”.
- (3) In subsection (2)—
 - (a) in paragraph (a)—
 - (i) for “an applicant” substitute “a person”;
 - (ii) at the end omit “or”;
 - (b) for paragraph (b) substitute—
 - “(b) where, following—

(4) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 1(3) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13), paragraph 1 of Schedule 6 to the Political Parties and Elections Act 2009 (c. 12), paragraph 10 to Schedule 4 of the Electoral Registration and Administration Act 2013 (c. 6), section 14(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and S.I. 2018/699.

(5) Section 10B was inserted by S.I. 2018/699.

- (i) an application for registration in respect of an address in Northern Ireland submitted through the UK digital service by a person to whom a digital registration number has previously been issued, or
 - (ii) (where section 10A(2) above does not apply) the submission of a form in connection with a canvass under section 10 above through the UK digital service by such a person,

the Chief Electoral Officer determines that the person’s registration in the register is to be amended in accordance with the application or form, or”;
- (c) after paragraph (b) insert—
 - “(c) where, following—
 - (i) an application for registration in respect of an address in Northern Ireland submitted through the UK digital service by a person to whom a digital registration number has previously been issued, or
 - (ii) the submission of a form in connection with a canvass under section 10 above through the UK digital service by such a person,

the Chief Electoral Officer determines that the person’s registration in the register is not to be amended in accordance with the application or form.”.
- (4) In subsection (3)—
 - (a) in each place it occurs, for “applicant” substitute “person”;
 - (b) for “by post” substitute “by the appropriate method (see subsection (3A))”.
- (5) After subsection (3) insert—
 - “(3A) In subsection (3), “by the appropriate method” means—
 - (a) in a case falling within subsection (2)(a) or (b), by post;
 - (b) in a case falling within subsection (2)(c) —
 - (i) by post, or
 - (ii) if the person has given an email address in the application or form, by email to that address.”.
- (6) In subsection (7)(b)(ii), for “the application for registration” substitute “an application or form mentioned in subsection (1A), (1B) or (2)”.
- (7) In subsection (9), after “references to” insert “a form or”.

Representation of the People Act 1985

8. The Representation of the People Act 1985(6) is amended in accordance with regulations 9 and 10.

Section 6 (absent vote at elections for an indefinite period)

9.—(1) Section 6(7) is amended as follows.

(2) For subsection (7) substitute—

“(7) For the purposes of this section, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in subsection (7A) or the condition in subsection (7B).

(6) 1985 c. 50.

(7) Section 6 was amended by S.I. 2018/699.

- (7A) A person meets the condition in this subsection if—
- (a) the person’s registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service, and
 - (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the principal Act, the last such form was submitted through the UK digital service.
- (7B) A person meets the condition in this subsection if—
- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the principal Act was submitted through the UK digital service, and
 - (b) where, since the submission of that form, any application for registration in the register of parliamentary electors has been made in respect of the person, the last such application was submitted through the UK digital service.”.

(3) In subsection (8), in the definition of “the UK digital service”, for “the reference to an application” substitute “references to a form or application”.

Section 7 (absent vote at a particular election and absent voters list)

10.—(1) Section 7(8) is amended as follows.

(2) For subsection (6) substitute—

“(6) For the purposes of this section, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in subsection (6A) or the condition in subsection (6B).

- (6A) A person meets the condition in this subsection if—
- (a) the person’s registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service, and
 - (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the principal Act, the last such form was submitted through the UK digital service.
- (6B) A person meets the condition in this subsection if—
- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the principal Act was submitted through the UK digital service, and
 - (b) where, since the submission of that form, any application for registration in the register of parliamentary electors has been made in respect of the person, the last such application was submitted through the UK digital service.”.

(3) In subsection (7), in the definition of “the UK digital service”, for “the reference to an application” substitute “references to a form or application”.

PART 3

Amendments to other legislation

Local Elections (Northern Ireland) Order 1985

11.—(1) Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985⁽⁹⁾ is amended as follows.

(2) In paragraph 1 (absent vote at local elections for an indefinite period)⁽¹⁰⁾—

(a) for sub-paragraph (7) substitute—

“(7) For the purposes of this paragraph, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in sub-paragraph (7A) or the condition in sub-paragraph (7B).

(7A) A person meets the condition in this sub-paragraph if—

- (a) the person’s registration in the register of local electors is or will be pursuant to an application submitted through the UK digital service, and
- (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the 1983 Act, the last such form was submitted through the UK digital service.

(7B) A person meets the condition in this sub-paragraph if—

- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the 1983 Act was submitted through the UK digital service, and
- (b) where, since the submission of that form, any application for registration in the register of local electors has been made in respect of the person, the last such application was submitted through the UK digital service.”;
- (b) in sub-paragraph (8), in the definition of “the UK digital service”, for “the reference to an application” substitute “references to a form or application”.

(3) In paragraph 2 (absent vote at a particular local election and absent voters list)⁽¹¹⁾—

(a) for sub-paragraph (6) substitute—

“(6) For the purposes of this paragraph, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in sub-paragraph (6A) or the condition in sub-paragraph (6B).

(6A) A person meets the condition in this sub-paragraph if—

- (a) the person’s registration in the register of local electors is or will be pursuant to an application submitted through the UK digital service, and
- (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the 1983 Act, the last such form was submitted through the UK digital service.

(6B) A person meets the condition in this sub-paragraph if—

- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the 1983 Act was submitted through the UK digital service, and

⁽⁹⁾ S.I. 1985/454.

⁽¹⁰⁾ Paragraph 1 was substituted by S.I. 1987/168 and amended by S.I. 2018/699.

⁽¹¹⁾ Paragraph 2 was substituted by S.I. 1987/168 and amended by S.I. 2018/699.

- (b) where, since the submission of that form, any application for registration in the register of local electors has been made in respect of the person, the last such application was submitted through the UK digital service.”;
- (b) in sub-paragraph (7), in the definition of “the UK digital service”, for “the reference to an application” substitute “references to a form or application”.

Representation of the People (Northern Ireland) Regulations 2008

12.—(1) The Representation of the People (Northern Ireland) Regulations 2008⁽¹²⁾ are amended as follows.

(2) In regulation 27A (retention of information in connection with an application for registration)⁽¹³⁾—

- (a) in the heading, for “information in connection with an application for registration” substitute “registration information”;
- (b) after paragraph (2), insert—
 - “(3) In respect of any relevant canvass form, until the end of the register alteration day, the registration officer—
 - (a) shall retain the canvass form or, in the case of a canvass form submitted through the UK digital service, the information contained in the form; and
 - (b) may retain any other documentation or information provided to the registration officer in connection with the submission of the form.

(4) After the register alteration day, the registration officer may continue to retain any information or document mentioned in paragraph (3) until such time as the officer considers that it is not required for or in connection with the exercise of the officer’s functions.

(5) In this regulation—

“relevant canvass form” means a canvass form completed in respect of any address in connection with a canvass under section 10 of the 1983 Act;

“register alteration day” means, in respect of a relevant canvass form, the day on which the Chief Electoral Officer for Northern Ireland has determined what alterations to the officer’s registers fall to be made as a result of the submission of that canvass form.”.

(3) In regulation 42A (verification of information provided in an application)⁽¹⁴⁾—

- (a) for “an application for registration”, in each place where it occurs, substitute “a relevant application”;
- (b) for paragraph (5) substitute—
 - “(5) The registration officer may take such results into account in determining—
 - (a) where the relevant application is a canvass form, what alterations to the officer’s registers fall to be made as a result of the submission of that form, and
 - (b) where the relevant application is an application for registration, that application.”;

(c) for paragraph (7) substitute —

“(7) In this regulation—

⁽¹²⁾ S.I. 2008/1741.

⁽¹³⁾ Regulation 27A was inserted by S.I. 2018/699.

⁽¹⁴⁾ Regulation 42A was inserted by S.I. 2018/699.

“relevant application” means—

- (a) an application for registration; or
- (b) a canvass form completed in respect of any address in connection with a canvass under section 10 of the 1983 Act;

“the Secretary of State” means the Secretary of State for Work and Pensions.”.

(4) In regulation 46B (retention of entries on the register following a canvass)(**15**), in paragraph (6), in the definition of “relevant period”, for “third” substitute “second”.

Recall of MPs Act 2015 (Recall Petition) Regulations 2016

13.—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016(**16**) are amended as follows.

(2) In regulation 46 (retention of documents: England and Wales and Northern Ireland)—

- (a) in the heading, after “Retention” insert “and disposal”;
- (b) at the beginning, insert “—(1)”;
- (c) at the end insert—

“(2) The petition officer must retain for a year the documents referred to in regulation 44(2) (delivery of documents to the registration officer: Northern Ireland) and then, unless otherwise directed by order of the House of Commons or any court, must cause them to be destroyed.”.

(3) In regulation 52 (absent signing at any petition for an indefinite period: Northern Ireland)(**17**)—

(a) for paragraph (9) substitute—

“(9) For the purposes of this regulation, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in paragraph (9A) or the condition in paragraph (9B).

(9A) A person meets the condition in this paragraph if—

- (a) the person’s registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service, and
- (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the 1983 Act, the last such form was submitted through the UK digital service.

(9B) A person meets the condition in this paragraph if—

- (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the 1983 Act was submitted through the UK digital service, and
- (b) where, since the submission of that form, any application for registration in the register of parliamentary electors has been made in respect of the person, the last such application was submitted through the UK digital service.”;

(b) in paragraph (10), in the definition of “the UK digital service”, for “the reference to an application” substitute “a reference to a form or application”.

(4) In regulation 54 (absent signing at a particular petition: Northern Ireland)(**18**)—

(15) Regulation 46B was inserted by [S.I. 2013/1846](#) and amended by [S.I. 2015/1939](#).

(16) [S.I. 2016/295](#).

(17) Regulation 52 was amended by [S.I. 2018/699](#).

(18) Regulation 54 was amended by [S.I. 2018/699](#).

- (a) for paragraph (6) substitute—
 - “(6) For the purposes of this regulation, a person is to be treated as a person who is or will be digitally registered if the person meets the condition in paragraph (6A) or the condition in paragraph (6B).
 - (6A) A person meets the condition in this paragraph if—
 - (a) the person’s registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service, and
 - (b) where, since the submission of that application, any form has been completed in respect of the person in connection with a canvass under section 10 of the 1983 Act, the last such form was submitted through the UK digital service.
 - (6B) A person meets the condition in this paragraph if—
 - (a) the last form to be completed in respect of the person in connection with a canvass under section 10 of the 1983 Act was submitted through the UK digital service, and
 - (b) where, since the submission of that form, any application for registration in the register of parliamentary electors has been made in respect of the person, the last such application was submitted through the UK digital service.”;
 - (b) in paragraph (7), in the definition of “the UK digital service”, for “the reference to an application” substitute “a reference to a form or application”.
- (5) In paragraph 1 of Schedule 3 (access to marked registers after a petition)—
 - (a) in sub-paragraph (1)—
 - (i) in paragraph (e)(i) omit “and Northern Ireland” where it first occurs,
 - (ii) after paragraph (e)(i) insert—
 - “(ia) for Northern Ireland—
 - (aa) forwarded to the registration officer under regulation 44 (delivery of documents to the registration officer: England and Wales and Northern Ireland), regulation 114 (forwarding of documents) or regulation 141 (public notice of early termination), or
 - (bb) retained by the petition officer under regulation 46(2) (retention and disposal of documents: England and Wales and Northern Ireland),”;
 - (b) for sub-paragraph (2)(b) substitute—
 - “(b) for Northern Ireland—
 - (i) in relation to the marked register or lists to which sub-paragraph (1)(e)(ia) (aa) applies, the Clerk of the Crown for Northern Ireland;
 - (ii) in relation to the marked register or lists to which sub-paragraph (1)(e)(ia) (bb) applies, the petition officer;”.
- (6) The amendments made by paragraphs (2) and (5) apply only in relation to a petition, notice of which is given by the Speaker (under section 5 of the Recall of MPs Act 2015) on or after the date on which these regulations come into force.
- (7) For the purposes of paragraph (6), the date on which the notice is given is the date specified in the notice.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020* ISBN 978-0-11-119358-7

Date

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