
DRAFT STATUTORY INSTRUMENTS

2020 No.

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

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⁽¹⁾ is amended as follows.

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

(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)⁽³⁾—

(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).

⁽¹⁾ S.I. 1985/454.

⁽²⁾ Paragraph 1 was substituted by S.I. 1987/168 and amended by S.I. 2018/699.

⁽³⁾ Paragraph 2 was substituted by S.I. 1987/168 and amended by S.I. 2018/699.

- (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
 - (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⁽⁴⁾ are amended as follows.

(2) In regulation 27A (retention of information in connection with an application for registration)⁽⁵⁾—

- (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)⁽⁶⁾—

⁽⁴⁾ [S.I. 2008/1741](#).

⁽⁵⁾ Regulation 27A was inserted by [S.I. 2018/699](#).

⁽⁶⁾ Regulation 42A was inserted by [S.I. 2018/699](#).

- (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—
 - “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)(7), 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(8) 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)(9)—
 - (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—

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

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

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

- (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)(10)—
 - (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.