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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Voter Identification Regulations 2022**

**PART 1**

**Introduction**

**Citation, commencement and saving**

1.—(1) These Regulations may be cited as the Voter Identification Regulations 2022.

(2) This Part and regulation 14(6) come into force on the 22nd day after the day on which these Regulations are made.

(3) Subject to paragraphs (4) and (5), the remainder of these Regulations come into force on the 25th day after the day on which these Regulations are made.

(4) Regulations 38(2), 39(2) and 41 on the first day on which a provision of Part 3 of the Domestic Abuse Act 2021(1) comes into force, including where that provision is brought into force for a specified purpose or in relation to a specified area under section 90 of that Act.

(5) Regulation 40(2) and (3) comes into force at the end of 28th February 2023.

(6) The provisions listed in paragraph (7) do not apply in relation to—

- (a) a parliamentary general election to which paragraph 18 of Schedule 1 to the Elections Act 2022(2) does not apply;
- (b) a relevant election, petition or referendum, other than a parliamentary general election, in respect of which the qualifying date is on or before 3rd May 2023.

(7) The provisions are—

- (a) Parts 6 to 8;
- (b) in Part 9, regulations 38(4) to (8) and (11) and 39(4) to (8) and (11);
- (c) Part 10.

(8) In paragraph (6)(b), “qualifying date”—

- (a) where the relevant election, petition or referendum is a recall petition, means the beginning date of the signing period as specified in the public notice of petition given under regulation 14 of the 2016 Regulations(3);
- (b) otherwise, means the date of poll as specified in the notice of election or referendum published in accordance with rule 5 of the elections rules.

**Extent**

2.—(1) This Part extends to England and Wales, Scotland and Northern Ireland.

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(1) 2021 c. 17.

(2) 2022 c. 37.

(3) S.I. 2016/295, to which there are amendments not relevant to these Regulations.

(2) Parts 2 to 7 extend to England and Wales and Scotland, and the following also extend to Northern Ireland—

- (a) regulation 23;
- (b) in regulation 24, paragraph (2) and, so far as it applies to that paragraph, paragraph (3).

(3) Any amendment made by Parts 8 to 10 has the same extent as the provision amended, except the amendments made by regulations 70 to 75, 77 to 82, 86, 88, 90, 91(a) and 92, which extend to England and Wales and Scotland only.

## Interpretation

3.—(1) In these Regulations—

“the 1983 Act” means the Representation of the People Act 1983;

“the 2016 Regulations” means the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;

“anonymous elector’s document” means that document as designed by the Electoral Commission in accordance with regulation 15(1)(a) or (d) or (4)(4);

“combined authority mayoral election” means an election for the return of a mayor as provided for in an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009;

“digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the Secretary of State for the purpose (amongst other purposes) of processing online applications for electoral identity documents under section 13BD of the 1983 Act(5) and for verifying information in accordance with regulation 6;

“electoral identity document” means that document as designed by the Electoral Commission in accordance with regulation 15(1)(b) or (d) or (4)(6);

“identity document application” means—

- (a) an application for an electoral identity document under section 13BD of the 1983 Act, or
- (b) an application for an anonymous elector’s document under section 13BE of the 1983 Act(7);

“issued document record entry” means an entry in the record kept in accordance with regulation 20 in respect of an anonymous elector’s document, or an electoral identity document, issued by a registration officer;

“local authority mayoral election” means an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(8);

“PCC election” means an election of a police and crime commissioner under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011(9);

“petition signing place” has the meaning given in regulation 3(1) of 2016 Regulations;

“recall petition” has the meaning given by section 1 of the Recall of MPs Act 2015;

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(4) See also section 13BE of the Representation of the People Act 1983 (c. 2).

(5) Section 13BD was inserted by paragraph 2 of Schedule 1 to the Elections Act 2022 (c. 37).

(6) See also section 13BD of the Representation of the People Act 1983.

(7) Section 13BE was inserted by paragraph 2 of Schedule 1 to the Elections Act 2022.

(8) Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20).

(9) Chapter 6 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), by section 122(1) of, and by paragraphs 86 and 90 of Schedule 1, paragraph 117 of Schedule 2 and paragraph 73(2) of Schedule 9 to, the Policing and Crime Act 2017 (c. 3), by section 8 of the Wales Act 2017 (c. 4), by paragraph 5 of Schedule 1 to the Local Government (Democracy) (Wales) Act 2013 (anaw 4), by paragraph 16 of Schedule 5 to the Local Government and Elections (Wales) Act 2021 (asc 1) and by S.I. 2014/268, 2015/1376, 1526, 2017/470, 2018/1310, 2021/1265. It is prospectively amended by paragraph 6(2) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed.

“registration officer” means an electoral registration officer;  
“signing period” has the meaning given by section 9(2) of the Recall of MPs Act 2015;  
“signing sheet” has the meaning given by regulation 10 of the 2016 Regulations;  
“specified document” has the meaning given by rule 37(1H) and (1K) of the elections rules;  
“temporary electoral identity document” means an electoral identity document that has a temporary validity, as designed by the Electoral Commission in accordance with regulation 15(1)(c) or (d) or (4).

- (2) In these Regulations other than in regulations 14(7) and 20(7), “bank holiday” means—
- (a) subject to paragraph (3), in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(10) in any part of the United Kingdom, and
  - (b) in relation to any other relevant election, petition or referendum—
    - (i) where the relevant election, petition or referendum is held in an area in England or Wales, a day which is a bank holiday under that Act in England and Wales;
    - (ii) where the relevant election, petition or referendum is held in an area in Scotland, a day which is a bank holiday under that Act in Scotland.

(3) Where at a parliamentary general election any proceedings are commenced afresh by reason of a candidate’s death, the meaning of “bank holiday” in paragraph (2)(b) applies in relation to that election rather than the meaning in paragraph (2)(a).

(4) In these Regulations, “relevant election, petition or referendum” means an election, petition or referendum listed in the first column of the following table; and the “relevant officer” for such an election, petition or referendum means the officer listed in the corresponding entry in the second column of that table—

<i>Election, petition or referendum</i>	<i>Relevant officer</i>
A parliamentary election in England, Wales or Scotland	The returning officer or (in England and Wales) an acting returning officer
A recall petition in England, Wales or Scotland	The petition officer within the meaning of section 6 of the Recall of MPs Act 2015
A PCC election	The police area returning officer within the meaning of article 2(1) of the Police and Crime Commissioner Elections Order 2012(11)
A local government election in England	The returning officer
A local authority mayoral election	The returning officer within the meaning of regulation 2 of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(12)
A combined authority mayoral election	The returning officer within the meaning of article 2 of the Combined Authorities (Mayoral Elections) Order 2017(13)

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(10) 1971 c. 80.

(11) S.I. 2012/1917; relevant amending instruments are S.I. 2014/921, 2016/300, 2018/272, 1310.

(12) S.I. 2007/1024; relevant amending instruments are S.I. 2014/370, 2018/1310.

(13) S.I. 2017/67, amended by S.I. 2018/1310; there are other amending instruments but none is relevant.

<i>Election, petition or referendum</i>	<i>Relevant officer</i>
A referendum under Part 1A of the Local Government Act 2000( <b>14</b> )	The counting officer within the meaning of regulation 9 of the Local Authorities (Conduct of Referendums) (England) Regulations 2012( <b>15</b> )
A referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992( <b>16</b> )	The counting officer within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012( <b>17</b> )
A referendum under Schedule 4B to the Town and Country Planning Act 1990	The counting officer within the meaning of regulation 9 of the Neighbourhood Planning (Referendums) Regulations 2012 ( <b>18</b> )

(5) Except in Part 7, a reference in these Regulations to a numbered rule in the elections rules is to be read as a reference to—

- (a) in the case of a parliamentary election, the rule of that number in the parliamentary election rules in Schedule 1 to the 1983 Act(**19**),
- (b) in the case of a recall petition, the corresponding regulation in the regulations made under section 18(1) of the Recall of MPs Act 2015, or
- (c) the corresponding rule in the rules made under—
  - (i) in the case of a PCC election, section 58(1)(a) of the Police Reform and Social Responsibility Act 2011(**20**),

- (14) Part 1A was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and was amended by section 190(10) of the Health and Social Care Act 2012 (c. 7), by section 20 of the Cities and Local Government Devolution Act 2016 (c. 1) and by S.I. 2013/594, 2597, 2021/1265.
- (15) S.I. 2012/323; relevant amending instruments are S.I. 2014/924, 2018/1310.
- (16) Chapter 4ZA was inserted by Schedule 5 to the Localism Act 2011 and was amended by section 3(5) to (7) of the Local Government Finance Act 2012 (c. 17), by section 41 of the Local Audit and Accountability Act 2014 (c. 2) and by S.I. 2013/733, 2021/1265.
- (17) S.I. 2012/444; relevant amending instruments are S.I. 2014/925, 2018/1310.
- (18) S.I. 2012/2031; relevant amending instruments are S.I. 2013/798, 2014/333, 2018/1310.
- (19) Schedule 1 was amended by sections 1 and 2 of the Elections (Northern Ireland) Act 1985 (c. 2); by sections 13 and 19(5) of, and paragraphs 4 to 7 of Schedule 2 and paragraphs 73 to 86 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c. 41); by paragraph 83 of Schedule 19 to the Education Act 1993 (c. 35); by paragraph 12(2) of Schedule 2, and paragraph 68(17) of Schedule 16, to the Local Government (Wales) Act 1994 (c. 19); by Schedule 31 to the School Standards and Framework Act 1998 (c. 31); by paragraphs 2 to 6 of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48); by section 13 of, and paragraph 23 of Schedule 1 and paragraph 10 of Schedule 6 to, the Representation of the People Act 2000 (c. 2); by section 38 of, and paragraph 6(9) of Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41); by sections 2, 3(4), 4(3) and 5 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); by paragraph 85 of Schedule 27 to the Civil Partnership Act 2004 (c. 33); by sections 19, 21, 22, 24, 30, 31, 37, 38(1) and (2), 41(1) to (7), 45, 49(3), 52(1) to (3), and 70(2) of, and paragraphs 14, 34 to 40, 52, 70, 73 to 75, 77 to 81, 83 to 85, 87 to 93, 95 and 129 to 132 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22); by paragraph 6 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); by sections 24 and 25(b) of, and paragraph 8 of Schedule 6 to, the Political Parties and Elections Act 2009 (c. 12); by section 48 of the Constitutional Reform and Governance Act 2010 (c. 25); by paragraph 121 of Schedule 12 to the Postal Services Act 2011 (c. 5); by paragraphs 10 to 13 of the Schedule to the Fixed-term Parliaments Act 2011 (c. 14); by sections 14(2) to (5), 19, 20 and 21(1) and (2) of the Electoral Registration and Administration Act 2013 (c. 6); by paragraph 1 of Schedule 6 to the Recall of MPs Act 2015 (c. 25); by paragraph 6 of Schedule 12 to the Policing and Crime Act 2017 (c. 3); by paragraph 8 of the Schedule to the Dissolution and Calling of Parliament Act 2022 (c. 11); by section 9(2) to (4) of, and paragraphs 11 to 33 of Schedule 1 to, the Elections Act 2022 (c. 37); and by S.I. 1986/1091, 1996/739, 2001/400, 1149, 2002/1873, 2003/1156, 2008/1741, 2010/728, 1158, 2014/236, 1116, 1880, 2015/656, 2018/699. It is prospectively amended by Schedule 2 to the Electoral Administration Act 2006, by paragraph 52(1)(b) and (2) of Schedule 9 to the Crime and Courts Act 2013 (c. 22) and by sections 5(2) to (4), 7(6), 10 and 11 of, and paragraph 4 of Schedule 4 and paragraph 4 of Schedule 10 to, the Elections Act 2022 from a date and time to be appointed.
- (20) Section 58(1) was amended by S.I. 2021/1265.

- (ii) in the case of a local government election in England, section 36 of the 1983 Act<sup>(21)</sup>,
- (iii) in the case of a local authority mayoral election, section 9HE(1)(a) of the Local Government Act 2000,
- (iv) in the case of a combined authority mayoral election, paragraph 12(1)(a) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009,
- (v) in the case of a referendum under Part 1A of the Local Government Act 2000, section 9MG(2) or (3) of that Act<sup>(22)</sup>,
- (vi) in the case of a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992, section 52ZQ(1) or (2) of that Act, or
- (vii) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, paragraph 16(1) of that Schedule.

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(21) Section 36 was amended by section 17 of the Representation of the People Act 1985; by Schedule 17 to the Local Government Act 1985 (c. 51); by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40); by paragraph 68 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19); by paragraph 17 of Schedule 3 to the Local Government and Rating Act 1997 (c. 29); by paragraph 4 of Schedule 3 to the Greater London Authority Act 1999 (c. 29); by section 13(2) of, and paragraph 2(4) of Schedule 2 to, the Local Government and Elections (Wales) Act 2021 (asc 1) and by S.I. 1991/1730.

(22) Section 9MG was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and amended by S.I. 2013/2597, 2021/1265.