



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 4

ELECTORAL REGISTRATION

Data schemes

35 Schemes for provision of data to registration officers

- (1) The Secretary of State may by order made by statutory instrument make provision (referred to below as a “scheme”) authorising or requiring specified persons to provide to a specified registration officer, for the purpose mentioned in subsection (2), information contained in records kept by those persons.
- (2) The purpose is assisting the registration officer to meet the registration objectives and, in particular, assisting the officer—
 - (a) to ascertain to what extent those objectives are being met, and
 - (b) to determine what steps should be taken for meeting them.
- (3) A scheme may authorise or require information to be provided at specified times or in specified circumstances.
- (4) A scheme may not authorise or require information to be provided by a person other than—
 - (a) a local or public authority, or
 - (b) a person providing services to, or authorised to exercise any function of, a local or public authority.
- (5) An order under this section may include more than one scheme.
- (6) An order under this section has effect despite any statutory or other restriction on the disclosure of information (but may not permit disclosure in breach of subsection (7)).

- (7) Information provided to a registration officer under an order under this section may not be disclosed to a person other than one to whom the officer may delegate his or her functions, except—
- (a) for the purpose mentioned in subsection (2), or
 - (b) for the purposes of any criminal or civil proceedings.
- (8) A person who discloses information in breach of subsection (7) is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
 - (b) on summary conviction in England and Wales and Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (9) An order under this section may contain incidental, supplemental, transitional or saving provision.
- (10) An order under this section must not be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (11) In this section “specified” means specified in an order under this section.

36 Schemes under section 35: proposals, consultation and evaluation

- (1) A scheme may be included in an order under section 35 only if a proposal has been submitted to the Secretary of State by the registration officer to whom the scheme relates and the scheme gives effect to the proposal, either—
- (a) without modification, or
 - (b) with modifications suggested by the Secretary of State and agreed to by the officer.
- (2) The Secretary of State may not make an order under section 35 without first consulting—
- (a) the Electoral Commission;
 - (b) any person authorised or required by the order to provide information to a registration officer;
 - (c) the Information Commissioner.
- (3) An order under section 35 must specify a date (the “evaluation date”) for each scheme included in the order.
- The Electoral Commission must prepare a report on the operation of each scheme and, no later than the evaluation date, give a copy of it—
- (a) to the registration officer concerned, and
 - (b) to the Secretary of State.
- (4) A report under subsection (3) must set out the terms of the scheme and must contain—
- (a) a description of the scheme;

- (b) an assessment of the matters set out in subsection (5);
 - (c) anything else specified in the order under section 35.
- (5) The matters are—
- (a) the extent to which the scheme has achieved the purpose mentioned in section 35(2);
 - (b) whether there was any objection to the scheme, and if so how much;
 - (c) how easy the scheme was to administer;
 - (d) the extent to which the scheme resulted in savings of time and costs, or the opposite.
- (6) The registration officer concerned—
- (a) must give the Electoral Commission whatever assistance they reasonably require in connection with the preparation of the report;
 - (b) must publish the report in whatever way the officer thinks appropriate.
- (7) In this section “scheme” has the same meaning as in section 35.