



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 4

ELECTORAL REGISTRATION

Identifying information

30 Voluntary provision of identifying information

- (1) In this section “identifying information”, in relation to a person, means—
 - (a) the person’s signature or, if the person is someone to whom subsection (2) applies, an indication to that effect;
 - (b) the person’s date of birth;
 - (c) the person’s national insurance number or, if the person has no national insurance number, an indication to that effect.
- (2) This subsection applies to a person for whom it is not reasonably practicable to sign in a consistent and distinctive way because he or she is blind or has some other disability, or cannot read.
- (3) A registration officer, in carrying out his or her functions, including in particular—
 - (a) maintaining registers under section 9 of the 1983 Act,
 - (b) conducting canvasses under section 10 of that Act, and
 - (c) determining applications for registration under section 10A or 13A of that Act,must take steps to obtain identifying information from each person who is, or who claims to be, entitled to be or to remain registered in any of the officer’s registers.
- (4) The steps taken under subsection (3) to collect identifying information must include—
 - (a) asking for the information, and
 - (b) explaining how collecting identifying information can help to improve the accuracy of the registers,but in taking those steps a registration officer must make clear that it is not obligatory to provide the information.

- (5) A registration officer must keep a record showing the identifying information obtained under this section.
- (6) The duties under this section do not apply at any time before 1 July 2010.

31 Regulations amending or supplementing section 30

- (1) The Secretary of State may by regulations—
 - (a) amend subsection (1) or (2) of section 30;
 - (b) make any other amendments to that section or this section that appear to the Secretary of State to be necessary or desirable in consequence of an amendment made by virtue of paragraph (a);
 - (c) make provision supplementing that section.
- (2) The provision that may be made by virtue of subsection (1)(c) includes in particular—
 - (a) provision as to forms on which identifying information may be provided;
 - (b) provision as to explanations or other material to be provided by registration officers, either on forms of the kind mentioned in paragraph (a) or otherwise;
 - (c) provision about the form and manner in which records under section 30(5) are to be kept;
 - (d) provision for the disclosure by the authority responsible for national insurance numbers (the “relevant authority”) to a registration officer or CORE keeper, following a request by that person, of—
 - (i) the national insurance number recorded in respect of an individual specified or described in the request, or the fact that the individual is not recorded as having a national insurance number, and
 - (ii) in the case of such an individual recorded as having a national insurance number, any further information about the individual that is recorded by the relevant authority,
 for the purpose of checking the accuracy of any information that appears in a register or other record kept by a registration officer (including a record under section 30(5)) or checking a person’s entitlement to be registered in a register;
 - (e) provision authorising the relevant authority to charge fees to a person making a request of the kind mentioned in paragraph (d) to cover the authority’s reasonable expenses in complying with such requests;
 - (f) provision for the disclosure by a CORE keeper to a registration officer, for the purpose mentioned in paragraph (d), of information within sub-paragraph (i) or (ii) of that paragraph;
 - (g) provision as to action to be taken by a registration officer who suspects (whether as a result of checks of the kind referred to in paragraph (d) or otherwise) that any information collected under section 30 is false.
- (3) Information obtained by a registration officer or CORE keeper under regulations made by virtue of subsection (2)(d) or (f) may not be disclosed by the officer or CORE keeper except—
 - (a) for the purpose mentioned in subsection (2)(d), or
 - (b) for the purposes of any criminal or civil proceedings,
 or, in the case of information obtained by a registration officer, to a person to whom the officer may delegate his or her functions.

Status: This is the original version (as it was originally enacted).

- (4) A person who discloses information in breach of subsection (3) 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.
- (5) Regulations under this section may contain transitional or saving provision.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) Before making regulations under this section, the Secretary of State—
 - (a) must consult the Electoral Commission, and
 - (b) in the case of regulations containing provision amending subsection (1) or (2) of section 30, must seek the Commission’s views as to whether, if it was obligatory for every registered person to provide identifying information, the provision would help or hinder the achievement of the registration objectives.
- (8) For the purposes of this Part, the registration objectives are to secure, so far as is reasonably practicable—
 - (a) that persons who are entitled to be registered in a register are registered in it,
 - (b) that persons who are not entitled to be registered in a register are not registered in it, and
 - (c) that none of the information relating to a registered person that appears in a register or other record kept by a registration officer is false.
- (9) The first regulations under this section, and any subsequent ones that amend section 30 or this section, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Any regulations under this section not falling within subsection (9) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—

“CORE keeper” has the same meaning as in Part 1 of the Electoral Administration Act 2006 (c. 22);

“identifying information” has the same meaning as in section 30.

32 Report by Electoral Commission on provision of identifying information

- (1) The Electoral Commission must keep under review the operation of section 30 and any supplementary regulations.
- (2) In each calendar year beginning with the year after that in which the duties under that section first arise, the Commission must—
 - (a) submit to the Secretary of State a report on the operation of that section and any supplementary regulations, and
 - (b) publish the report in whatever way the Commission think appropriate.

- (3) A report under this section must contain an assessment by the Commission—
- (a) as to the adequacy of the electoral registration system in Great Britain, with particular reference to the effectiveness of registration officers in meeting the registration objectives;
 - (b) as to what (if any) changes with regard to that system would be necessary or desirable for meeting those objectives if the provision of identifying information was made obligatory.
- (4) The report for 2014 must contain (as well as the assessment mentioned in subsection (3))—
- (a) the Commission’s assessment, on the basis of the available evidence (including in particular evidence as to the operation of section 30 and any supplementary regulations), as to whether it would help or hinder the achievement of the registration objectives to make the provision of identifying information obligatory;
 - (b) the Commission’s recommendation as to whether or not the provision of identifying information should be made obligatory.
- (5) The report for 2014 must be—
- (a) submitted to the Secretary of State by 31 July in that year, and
 - (b) laid before Parliament as soon as possible by the Secretary of State.
- (6) If—
- (a) the recommendation in the report for 2014 is that the provision of identifying information should be made obligatory, and
 - (b) the recommendation is approved by a resolution of each House of Parliament,
- the Secretary of State must as soon as reasonably practicable make an order under section 43(1) bringing section 33 into force.
- The Secretary of State may not make such an order if those conditions are not met.
- (7) If—
- (a) the report for 2014 does not contain a recommendation that the provision of identifying information should be made obligatory, or
 - (b) the report does contain such a recommendation, but it is not approved by a resolution of each House of Parliament,
- within 12 months after the day on which the report is submitted by the Electoral Commission (in the case mentioned in paragraph (a)) or disapproved in Parliament (in the case mentioned in paragraph (b)), the Secretary of State must require the Commission to submit, by a specified date, a further report under this section containing the things mentioned in subsection (4).
- (8) For the purposes of subsection (7)—
- (a) a report is disapproved in Parliament when either House decides against resolving to approve the report (or, if both Houses so decide on different days, when the first of them so decides);
 - (b) the date specified by the Secretary of State must be at least one year, but no more than two years, after the day on which the requirement under that subsection is imposed.
- (9) Subsections (5)(b) and (6) to (8) apply to a report submitted in response to a requirement under subsection (7) as they apply to the report for 2014.

- (10) A registration officer must comply with any request made in writing by the Electoral Commission for assistance that they reasonably require in connection with the preparation of a report under this section.
- (11) In this section—
- “identifying information” has the same meaning as in section 30;
 - “obligatory” means obligatory for every person registered in a register;
 - “supplementary regulations” means regulations under section 31 made by virtue of subsection (1)(c) of that section.

33 Obligatory provision of identifying information

- (1) With effect from the commencement of this section, the amendments made to the 1983 Act by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13) extend to the whole of the United Kingdom.
- (2) The 1983 Act is amended as follows.
- (3) In section 10 (maintenance of registers: annual canvass)—
- (a) for subsection (4) there is substituted—
 - “(4) The form to be used for the purposes of a canvass shall be—
 - (a) a form prescribed for those purposes, or
 - (b) a form to the same effect.
- Paragraph (b) does not apply in Northern Ireland and, in Great Britain, does not apply if or to the extent that regulations so provide.”;
- (b) in subsection (4A), for “a canvass in Northern Ireland” there is substituted “a canvass”;
 - (c) in subsection (4A)(c), at the beginning of sub-paragraph (ii) there is inserted “in the case of a canvass in Northern Ireland,”;
 - (d) in subsection (4B), for “The Chief Electoral Officer for Northern Ireland” there is substituted “A registration officer”;
 - (e) after that subsection there is inserted—
 - “(4C) In relation to each person without a national insurance number to whom the form mentioned in subsection (4) above relates, regulations may require the form to be accompanied by such other evidence to identify the person as may be prescribed.
 - (4D) A registration officer shall keep a record showing the information obtained under subsection (4A) above or by virtue of subsection (4C) above.”
- (4) In section 10ZB (the relevant registration objectives)—
- (a) in the heading, the words “(Northern Ireland)” are omitted;
 - (b) in subsection (3), for “the Chief Electoral Officer for Northern Ireland” there is substituted “a registration officer”;
 - (c) in subsections (4) and (5)(a), for “the Chief Electoral Officer” there is substituted “the registration officer concerned”.
- (5) In section 10A (maintenance of registers: registration of electors)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1A), the words “in respect of an address in Northern Ireland” are omitted;
 - (b) in subsection (1A)(c), at the beginning of sub-paragraph (ii) there is inserted “in the case of an application for registration in respect of an address in Northern Ireland.”;
 - (c) in subsection (1B), for “The Chief Electoral Officer for Northern Ireland” there is substituted “A registration officer”;
 - (d) after that subsection there is inserted—
 - “(1C) In relation to each person without a national insurance number to whom an application for registration relates, regulations may require the application to be accompanied by such other evidence to identify the person as may be prescribed.
 - (1D) A registration officer shall keep a record showing the information obtained under subsection (1A) above or by virtue of subsection (1C) above.”;
 - (e) in subsection (2)(a), for the words from “the form” to “in a register” there is substituted “a completed form specifies any person as a person who is entitled to be registered in a register in respect of a particular address”;
 - (f) in subsection (5)(a), for sub-paragraph (i) there is substituted—
 - “(i) no canvass form was returned showing the elector as resident at that address on that date, or”;
 - (g) in subsection (5A), for the words in paragraph (a) from the beginning to “does not include” there is substituted “a canvass form has been returned showing the elector as resident at that address but the form does not include”;
 - (h) in subsection (7), for the words after “in cases where” there is substituted “no canvass form has been returned in respect of the person in question”;
 - (i) in subsection (9), before the definition of “determines” there is inserted—
 - ““canvass form” means the form mentioned in section 10(4) above;”.
- (6) In section 13A (alteration of registers)—
- (a) in subsection (2A), the words “in respect of an address in Northern Ireland” are omitted;
 - (b) in subsection (2A)(c), at the beginning of sub-paragraph (ii) there is inserted “in the case of an application for registration in respect of an address in Northern Ireland.”;
 - (c) in subsection (2B), for “The Chief Electoral Officer for Northern Ireland” there is substituted “A registration officer”;
 - (d) after that subsection there is inserted—
 - “(2C) In relation to each person without a national insurance number to whom an application for registration under subsection (1)(a) above relates, regulations may require the application to be accompanied by such other evidence to identify the person as may be prescribed.
 - (2D) A registration officer shall keep a record showing the information obtained under subsection (2A) above or by virtue of subsection (2C) above.”
- (7) In section 13BB (election falling within canvass period) (inserted by section 23 above), in subsection (1)(a)—

Status: This is the original version (as it was originally enacted).

- (a) for “the form returned in respect of an address (“the relevant address”)” there is substituted “a form”;
 - (b) for “an application for registration is treated as having been made in respect of that address” there is substituted “an application for registration in respect of a particular address (“the relevant address”) is treated as having been made”.
- (8) In section 13D (provision of false information), in subsection (2), for “the Chief Electoral Officer for Northern Ireland” there is substituted “a registration officer”.
- (9) In section 201 (regulations), after subsection (2A) there is inserted—
- “(2B) In the case of regulations under section 10(4C), 10A(1C) or 13A(2C), in carrying out the consultation required by section 7 of the Political Parties, Elections and Referendums Act 2000 the Secretary of State shall seek the views of the Electoral Commission as to whether the provision to be made by the regulations would help or hinder the achievement of the registration objectives (within the meaning given by section 10ZB).”
- (10) In Schedule 2 (provisions which may be contained in regulations as to registration etc), in paragraph 1—
- (a) after sub-paragraph (4) there is inserted—
 - “(4ZA) Provisions for the disclosure (otherwise than by virtue of sub-paragraph (4) above) by the authority responsible for national insurance numbers (the “relevant authority”) to a registration officer or a CORE keeper, following a request by that person, of—
 - (a) the national insurance number recorded in respect of an individual specified or described in the request, or the fact that the individual is not recorded as having a national insurance number, and
 - (b) in the case of such an individual recorded as having a national insurance number, any further information about the individual that is recorded by the relevant authority,for the purpose of checking the accuracy of any information that appears in a register or other record kept by a registration officer or checking a person’s entitlement to be registered in such a register.
 - (4ZB) Provisions authorising the relevant authority to charge fees to a person making a request of the kind mentioned in sub-paragraph (4ZA) to cover the authority’s reasonable expenses in complying with such requests.
 - (4ZC) Provisions for the disclosure by a CORE keeper to a registration officer, for the purpose mentioned in sub-paragraph (4ZA), of information within paragraph (a) or (b) of that sub-paragraph.”;
 - (b) in sub-paragraph (4A), for “such authority or person” there is substituted “authority or person within paragraph (a) or (b) of sub-paragraph (4)”, and for “such records” there is substituted “any records within sub-paragraph (4)”;
 - (c) in sub-paragraph (5), for “sub-paragraph (4) or (4A)” there is substituted “sub-paragraph (4), (4ZA) or (4A)”;
 - (d) for sub-paragraph (6) there is substituted—
 - “(6) But provision made under sub-paragraph (4ZA), (4ZC) or (4A) may not permit information obtained by a registration officer or

Status: This is the original version (as it was originally enacted).

CORE keeper under that provision to be disclosed by the officer or CORE keeper except—

- (a) for the purpose mentioned in sub-paragraph (4ZA) or, as the case may be, sub-paragraph (4A), or
- (b) for the purposes of any criminal or civil proceedings, or, in the case of information obtained by a registration officer, to a person to whom the officer may delegate functions.”;
- (e) after sub-paragraph (6) there is inserted—
 - “(6A) In sub-paragraphs (4ZA) and (4ZC) “CORE keeper” has the same meaning as in Part 1 of the Electoral Administration Act 2006.”;
- (f) sub-paragraph (8) is omitted.

(11) In paragraph 13 of that Schedule, for sub-paragraph (1ZA) there is substituted—

- “(1ZA) Provisions making a person who discloses information in breach of paragraph 1(6) guilty of an offence punishable—
- (a) on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both;
 - (b) on summary conviction in England and Wales and Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or both;
 - (c) on summary conviction in Northern Ireland, by imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both.”

34 Provision supplementing section 33

- (1) Where on the commencement of section 33 a person is registered in a register maintained by a registration officer, the person’s name is not to be removed from the register by virtue of section 10A(5A) of the 1983 Act (canvass form not including required information, etc) until the conclusion of the third canvass to be concluded after the commencement of that section.
- (2) An order bringing section 33 into force may—
 - (a) repeal any provision of sections 30, 31 and 32;
 - (b) make amendments to any enactment that are consequential on the coming into force of section 33.
- (3) The Secretary of State may (either before, at the same time as or after section 33 is brought into force) by regulations—
 - (a) amend section 10(4A) or (4B), section 10A(1A) or (1B) or section 13A(2A) or (2B) of the 1983 Act;
 - (b) make any other amendments to the 1983 Act that appear to the Secretary of State to be necessary or desirable in consequence of an amendment made by virtue of paragraph (a).
- (4) Regulations under subsection (3)—
 - (a) may make different provision for different purposes or different areas;
 - (b) may make transitional or saving provision.
- (5) The power to make regulations under subsection (3) is exercisable by statutory instrument.

- (6) Before making regulations under subsection (3) the Secretary of State must—
 - (a) consult the Electoral Commission, and
 - (b) in the case of regulations containing provision amending section 10(4A) or (4B), section 10A(1A) or (1B) or section 13A(2A) or (2B) of the 1983 Act, seek the Commission’s views as to whether the provision would help or hinder the achievement of the registration objectives.
- (7) An order containing provision made by virtue of paragraph (b) of subsection (2), or regulations under subsection (3), may not be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.