

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Electoral Registration

Section 33: Obligatory provision of identifying information

169. **Section 33** deals with what would happen should the conditions laid out in section 32 be met, and a decision taken to make obligatory the provision of identifiers by electors in the United Kingdom. The effect of this section would be to extend those provisions made in Northern Ireland (by section 1 of the Electoral Fraud (Northern Ireland) Act 2002) to the whole of the United Kingdom.
170. *Subsections (2) to (11)* set out how the 1983 Act is amended in order to introduce obligatory provision of identifying information across the United Kingdom.
171. *Subsection (3)* amends provisions in section 10 of the 1983 Act concerning prescribed forms or forms to be used to the same effect, and the extent to which they apply for Northern Ireland and the whole of the United Kingdom. References to Northern Ireland and the Chief Electoral Officer for Northern Ireland are changed so as to apply to the whole of the United Kingdom and not just Northern Ireland. The subsection also inserts provision for Regulations allowing those without NI numbers to provide alternative evidence to identify themselves. The registration officer should keep a record showing the identifying information that has been taken.
172. *Subsection (4)* amends the relevant registration objectives of Section 10ZB of the 1983 Act, omitting references to Northern Ireland so as to extend the provisions which were previously in force there to the whole of the United Kingdom. These concern the fact that Northern Ireland has one Chief Electoral Officer, so in order to make the section apply to the whole of the United Kingdom, this must be replaced by “the registration officer concerned”.
173. *Subsection (5)* replaces references regarding addresses and canvass forms that are Northern Ireland-specific with references that can apply to the whole of the United Kingdom. The subsection also sets out the requirement in Regulations for other evidence to be provided in the event that an elector does not have an NI number. The registration officer must also keep a record of all information obtained in applications. Northern Ireland previously had a different canvass form to the rest of the United Kingdom. References in the 1983 Act to this form not being received are now removed as the introduction of the provision of identifiers by electors means there is no need to distinguish between Northern Ireland and the rest of the United Kingdom.
174. *Subsection (6)* amends the 1983 Act so far as it concerns alteration of registers that relate solely to Northern Ireland. Currently subsections (2A) to (2D) of section 13A of the 1983 Act provide for collection of identifiers from electors applying in respect of an address in Northern Ireland. *Subsection (6)(c)* transfers to registration officers

*These notes refer to the Political Parties and Elections Act
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powers which previously rested with the Chief Electoral Officer for Northern Ireland, allowing registration officers to dispense with the requirement for a signature from those who cannot make one due to incapacity or illiteracy. For those who do not have an NI number, *subsection (6)(d)* states that the registration officer may require additional evidence and a record must be kept of information obtained.

175. *Subsection (7)* makes minor and technical changes to section 13BB of the 1983 Act (as inserted by section 23 of this Act) which covers elections falling within the canvass period.
176. *Subsection (8)* relates to the provision of false information and amends section 13D to recognise that the provision applies to all registration officers, not just the Chief Electoral Officer for Northern Ireland.
177. *Subsection (9)* has the effect that any Regulations made under section 10(4C), 10A(1C) or 13A(2C) of the 1983 Act by the Secretary of State regarding those voters who do not have NI numbers must be referred to the Electoral Commission to seek their views as to whether the Regulations would help or hinder the registration objectives.
178. *Subsection (10)* inserts provisions into Schedule 2 to the 1983 Act, in order to enable regulations made under section 53 of that Act to give a power to the authority holding the NI number database to release NI information to a registration officer or CORE keeper. This may only be done to assist the registration objectives, checking accuracy of the register or an elector's entitlement to vote and cannot be released to a third party by the registration officer or CORE Keeper except for the purposes of criminal or civil proceedings. In addition, information may be disclosed by a registration officer to a person to whom the officer may delegate functions. The authority holding the NI numbers is permitted to make charges to cover reasonable expenses in complying with this request. Furthermore, sub-paragraphs within the Schedule which currently relate only to Northern Ireland are removed, so that the provisions apply to the whole of the United Kingdom.
179. *Subsection (11)* provides that anyone who discloses information in breach of the terms set out in the subsection is guilty of an offence triable either way and punishable by imprisonment or a fine, or both.