



# Electoral Registration and Administration Act 2013

## 2013 CHAPTER 6

### PART 1

#### INDIVIDUAL ELECTORAL REGISTRATION IN GREAT BRITAIN

#### 1 Individual registration

(1) After section 10ZB of the Representation of the People Act 1983 insert—

**“10ZC Registration of electors in Great Britain**

- (1) A registration officer in Great Britain must enter a person (“P”) in a register maintained by the officer if—
    - (a) an application for registration is made by someone who appears to the officer to be P,
    - (b) any requirements imposed by or under this Act in relation to the application are met, and
    - (c) P appears to the officer to be entitled to be registered in the register.
  - (2) In determining an application under this section, the officer must consider any objection made in accordance with the prescribed requirements by another person whose name appears in the register.
  - (3) Regulations may make provision about the procedure for determining applications under this section.”
- (2) Schedule 1 contains amendments about the alteration of registers and removal from a register.
- (3) Registration officers in Great Britain must have regard to any guidance given by the Minister about the determination of applications under section 10ZC of the 1983 Act.

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- (4) The guidance that may be given includes guidance about the process for determining whether the conditions in subsection (1) of that section are met and the relative weight to be given to different kinds of evidence.
- (5) Subsections (3) and (4) cease to have effect at the end of the period of 5 years beginning with the day on which they come fully into force.

## **2 Applications for registration and verification of entitlement etc**

- (1) Schedule 2 to the Representation of the People Act 1983 (provisions which may be contained in regulations as to registration etc) is amended as follows.
- (2) In paragraph 1, after sub-paragraph (2) insert—

“(2A) Provision made under sub-paragraph (2) authorising or requiring a registration officer in Great Britain to—

- (a) require a person who has made an application under section 10ZC or 10ZD to provide evidence that he or she is the person named in the application, or
- (b) require a person who has made an application under section 10ZC or 10ZD, or any person who has an entry in a register, to provide evidence for the purpose of enabling the officer to determine whether a person is entitled to be registered in a register maintained by the officer,

must specify the kind of evidence that a person may be required to provide (for examples, see paragraph 3ZA(5)).

(2B) Provision of the kind mentioned in sub-paragraph (2A) may authorise or require the registration officer to require a person to provide the evidence to a registration officer or to some other prescribed person (or person of a prescribed description).”

- (3) After paragraph 3 insert—

“3ZA (1) Provision about applications under section 10ZC or 10ZD, including in particular provision about—

- (a) the form and contents of applications and of any declarations to be made in connection with them;
- (b) the manner in which applications are to be made.

(2) Provision made under sub-paragraph (1) may include provision—

- (a) conferring functions on registration officers, or local or public authorities, to enable applications to be made in a particular manner;
- (b) conferring other functions on registration officers;
- (c) conferring functions on the Electoral Commission.

(3) Provision requiring a person making an application under section 10ZC or 10ZD—

- (a) to provide evidence that he or she is the person named in the application;
- (b) to provide evidence of entitlement to be registered.

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- (4) Provision made under sub-paragraph (3) must specify the kind of evidence that a person is required to provide.
  - (5) Examples of the evidence that may be specified include a person's date of birth or national insurance number.
  - (6) Provision made under sub-paragraph (3) may require a person to provide the evidence to a registration officer or to some other prescribed person (or person of a prescribed description)."
- (4) After paragraph 8A insert—
- “8B (1) Provision authorising or requiring a registration officer in determining an application under section 10ZC or 10ZD, in prescribed cases, to treat a prescribed person's statement of a fact as sufficient evidence of that fact.
- (2) In sub-paragraph (1) “prescribed” includes of a prescribed description.”
- (5) In section 201 of the Representation of the People Act 1983 (regulations), before subsection (3) insert—
- “(2C) Regulations made for the purposes only of omitting a particular kind of evidence from the kinds of evidence that a person is or may be required to provide by virtue of regulations under paragraph 1(2A) or 3ZA(3) of Schedule 2 shall be subject to annulment in pursuance of a resolution of either House of Parliament (and subsection (2) does not apply to regulations made for those purposes only).”
- (6) Schedule 2 to this Act contains amendments related to this section.

### **3 Proxies to be registered electors**

In paragraph 6 of Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain), for sub-paragraphs (3) and (4) substitute—

- “(3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election unless the person is or will be registered in a register of parliamentary electors in Great Britain or Northern Ireland.
- (3A) A person is not capable of being appointed to vote, or voting, as proxy at a local government election unless the person is or will be registered in a register of local government electors in Great Britain or Northern Ireland.
- (4) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary or local government election if the person is subject to any legal incapacity (age apart) to vote at that election as an elector.”

### **4 Annual canvass**

After section 9C of the Representation of the People Act 1983 insert—

#### **“9D Maintenance of registers: duty to conduct canvass in Great Britain**

- (1) Each registration officer in Great Britain must conduct an annual canvass in relation to the area for which the officer acts.

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- (2) The purpose of the canvass is to ascertain—
  - (a) the names and addresses of persons who are entitled to be registered in a register maintained by the officer but who are not registered;
  - (b) those persons who are registered in such a register but who are not entitled to be registered.
- (3) The canvass is to be conducted in a manner to be set out in regulations.
- (4) The regulations may confer functions on the Electoral Commission (for example, the Commission may be required to design a canvass form).
- (5) A registration officer may make house to house inquiries for the purposes of the canvass, for example—
  - (a) to obtain information before sending out a canvass form,
  - (b) to supplement information provided on a canvass form, or
  - (c) to obtain information where no canvass form is returned.
- (6) Nothing in this section applies in relation to—
  - (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3) or mental hospitals (within the meaning of section 7) or other places at which persons to whom section 7A applies may be detained,
  - (b) the registration of persons in pursuance of declarations of local connection, service declarations or overseas electors' declarations, or
  - (c) the registration of persons with anonymous entries in the register.”

## **5 Invitations to register**

- (1) After section 9D of the Representation of the People Act 1983 insert—

### **“9E Maintenance of registers: invitations to register in Great Britain**

- (1) A registration officer in Great Britain must give a person an invitation to apply for registration in a register maintained by the officer if—
  - (a) the officer is aware of the person's name and address,
  - (b) the person is not registered in the register, and
  - (c) the officer has reason to believe that the person may be entitled to be registered in the register.
- (2) Regulations may make provision about invitations under subsection (1), including—
  - (a) provision about the form and contents of invitations;
  - (b) provision about the giving of invitations (for example, provision about the manner in which they must be given or how often they must be given);
  - (c) provision requiring invitations to be accompanied by, or combined with, application forms or other documents (including partially completed application forms).

- (3) Regulations under subsection (2) may confer functions on the Electoral Commission (for example, the Commission may be required to design an invitation).
- (4) A registration officer who gives a person an invitation under subsection (1) may subsequently require the person to make an application for registration by a specified date.
- (5) A requirement under subsection (4) is of no effect if the person is not entitled to be registered.
- (6) Regulations—
  - (a) may make provision about requirements under subsection (4) (including provision for them to be cancelled in specified circumstances);
  - (b) may specify steps that a registration officer must take before imposing a requirement.
- (7) A registration officer may impose a civil penalty on a person who fails to comply with a requirement imposed by the officer under subsection (4).
- (8) For more about civil penalties under this section, see Schedule ZA1.”

(2) Schedule 3 inserts a new Schedule ZA1 into the 1983 Act.

## **6 Amendment of Parliamentary Constituencies Act 1986**

- (1) In section 3(2)(a) of the Parliamentary Constituencies Act 1986 (timing of Boundary Commission reports), for “before 1st October 2013” substitute “before 1st October 2018 but not before 1st September 2018”.
- (2) In section 11(2) of the Parliamentary Voting System and Constituencies Act 2011, for “1 October 2013” substitute “1 October 2018”.
- (3) In section 14(3) of that Act, for “2015” (in both places) substitute “2020”.

## **7 Power to amend or abolish the annual canvass**

- (1) The Minister may by order make provision for the purposes of assisting registration officers in Great Britain to ascertain—
  - (a) the names and addresses of persons who are not registered in a register but who are entitled to be registered;
  - (b) those persons who are registered in a register but who are not entitled to be registered.
- (2) The Minister may by order—
  - (a) modify section 9D of the Representation of the People Act 1983 or any other provision relating to a canvass under that section;
  - (b) abolish the duty to conduct a canvass under that section.
- (3) If the duty to conduct a canvass is abolished, the provision that may be made under subsection (1) includes provision reinstating the duty.

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- (4) An order under this section may create offences punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
- (5) An order under this section may confer power to make subordinate legislation and, if it does so, must provide—
  - (a) that the subordinate legislation is to be made by statutory instrument, and
  - (b) that the instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

## **8 Consulting Electoral Commission about proposals under section 7**

- (1) If the Minister consults the Electoral Commission about a proposal to make an order under section 7, the Commission must prepare a report assessing—
  - (a) the extent to which the objective in subsection (2) is met,
  - (b) the extent to which the objective would be met if the order were made, and
  - (c) the merits of alternative ways of achieving the objective.
- (2) The objective is to assist registration officers in Great Britain to ascertain—
  - (a) the names and addresses of persons who are not registered in a register but who are entitled to be registered;
  - (b) those persons who are registered in a register but who are not entitled to be registered.
- (3) The Electoral Commission must give a copy of the report to the Minister by the specified date.
- (4) The “specified date” means a date to be specified by the Minister and the date must not be before the end of the period of 3 months beginning with the day on which the Commission is consulted.
- (5) A registration officer in Great Britain must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under this section.
- (6) When a draft of a statutory instrument containing an order under section 7 is laid before Parliament (see section 11), it must be accompanied by a report under this section, unless the instrument contains provision only for the purpose of reinstating the duty to conduct a canvass as mentioned in section 7(3).

## **9 Piloting of changes to the annual canvass**

- (1) An order under section 7 may be made so as to have effect in relation to a specified period.
- (2) An order which, by virtue of subsection (1), is to have effect in relation to a limited period is referred to in this section as a “pilot scheme”.
- (3) The Minister may make a pilot scheme applying in relation to an area only if the registration officer for that area has—
  - (a) proposed the making of a pilot scheme in relation to that area, and
  - (b) agreed to any modifications made by the Minister to the proposal.
- (4) Section 8 does not apply in relation to a pilot scheme.

- (5) The provision that may be made in a pilot scheme by virtue of section 11(3) includes, in particular, provision in connection with the expiry of the specified period.
- (6) A pilot scheme may be replaced by a further pilot scheme.
- (7) If a pilot scheme is made, the Electoral Commission must—
  - (a) prepare a report on the pilot scheme, and
  - (b) by no later than a date to be specified in the pilot scheme, give a copy of the report to the Minister and to the registration officer for the area concerned (or the officer for each area concerned).
- (8) The Electoral Commission’s report must contain—
  - (a) a description of the pilot scheme,
  - (b) an assessment of the extent to which the objective in section 8(2) was met in the area or areas concerned immediately before the specified period,
  - (c) an assessment of the extent to which the objective was met in the area or areas concerned during the specified period, and
  - (d) an assessment of the extent to which the scheme resulted in savings of time and costs, or the opposite.
- (9) The Minister must publish the Electoral Commission’s report.
- (10) A registration officer in Great Britain must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under this section.

## **10 Piloting registration provisions**

- (1) The Minister may by order make provision for the purpose of testing, for a specified period and in relation to a specified area, how the changes made by any registration provision work in practice.
- (2) An order under this section may, in particular, make provision the effect of which corresponds to the effect of the amendments made by any registration provision (or the subordinate legislation that may be made by virtue of any registration provision).
- (3) “Registration provision” means any provision of—
  - (a) section 1 and Schedule 1,
  - (b) section 2 and Schedule 2, and
  - (c) Schedule 4.
- (4) The Minister may make an order under this section in relation to an area only if the registration officer for that area has—
  - (a) proposed the making of an order in relation to that area, and
  - (b) agreed to any modifications made by the Minister to the proposal.
- (5) The provision that may be made in an order under this section by virtue of section 11(3) includes, in particular, provision in connection with the expiry of the specified period.
- (6) An order under this section may make provision modifying Schedule 5 (for example, to modify the meaning of “new application for registration”).

## **11 Orders under Part 1**

- (1) An order under this Part is to be made by statutory instrument.
- (2) A statutory instrument containing an order under this Part (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament (but paragraph 28 of Schedule 5 contains an exception to this).
- (3) An order under this Part may make consequential, supplementary, incidental, transitional or saving provision.
- (4) An order under this Part may modify any other Act or subordinate legislation (whenever passed or made).
- (5) An order under this Part—
  - (a) may apply generally or only in specified cases, circumstances or areas;
  - (b) may make different provision for different cases, circumstances or areas.

## **12 Interpretation of Part 1**

In this Part—

- “modify” includes amend, repeal or revoke;
- “register” means a register of parliamentary electors or local government electors maintained by a registration officer in Great Britain;
- “registration officer” has the same meaning as in the Representation of the People Act 1983 (see section 8 of that Act);
- “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

## **13 Amendments and transitional provision**

- (1) Schedule 4 contains amendments to do with this Part.
- (2) Schedule 5 makes transitional provision to do with this Part.
- (3) In relation to an offence committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference to 12 months in paragraph 13(1ZD)(a) of Schedule 2 to the Representation of the People Act 1983 (inserted by Schedule 2 to this Act) is to be read as a reference to 6 months.
- (4) In relation to an offence committed in England and Wales before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference to 51 weeks in paragraph 13(1ZD)(b) of Schedule 2 to the Representation of the People Act 1983 (inserted by Schedule 2 to this Act) is to be read as a reference to 6 months.