



# Northern Ireland (Miscellaneous Provisions) Act 2014

## 2014 CHAPTER 13

### *Electoral registration and administration*

#### **13 Removal of requirement that canvass form must be prescribed form**

- (1) In section 10 of the Representation of the People Act 1983 (“RPA 1983”) (duty to conduct canvass)—
  - (a) in subsection (4) (as substituted by paragraph 9(5) of Schedule 4 to the Electoral Registration and Administration Act 2013), for “ be a form prescribed for those purposes ” substitute “comply with such requirements as to its form or content as shall be prescribed by the Secretary of State after having consulted the Electoral Commission”;
  - (b) in subsection (4A), for “prescribe a form” substitute “ prescribe requirements ”;
  - (c) after subsection (4B), insert—

“(4BA) If requested to do so by the Secretary State for the purposes of making regulations under subsection (4), the Electoral Commission must design a form for the purposes of a canvass under this section.”
- (2) In section 201 of RPA 1983 (regulations), in subsections (2) and (2A), before “110(7)” insert “ 10(4) or ”.
- (3) If sub-paragraph (5) of paragraph 9 of Schedule 4 to the Electoral Registration and Administration Act 2013 has not come into force on or before the day on which this section comes into force, then until that sub-paragraph comes into force—
  - (a) the amendment made by subsection (1)(a) of this section is of no effect;
  - (b) section 10(4) of RPA 1983 has effect as if, for “a form prescribed for those purposes shall be used”, there were substituted “ that does not apply and the form to be used for the purposes of the canvass must comply with such requirements as to its form or content as shall be prescribed by the Secretary of State after having consulted the Electoral Commission ”;

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- (c) the following provisions of RPA 1983 have effect as if the references in them to regulations under section 10(4) of that Act were references to such regulations in respect of a canvass in Northern Ireland only—
- (i) section 10(4BA) (as inserted by subsection (1)(c));
  - (ii) section 201(2) and (2A) (as amended by subsection (2)).

VALID FROM 01/10/2014

#### **14 Registration as an elector: abolition of 3 month residence requirement**

- (1) The following provisions (which impose or relate to the requirement that persons registering as electors in Northern Ireland must have been resident there for three months) are repealed or revoked—
- (a) in the Representation of the People Act 1983—
    - (i) section 4(2);
    - (ii) section 7B(5);
    - (iii) section 7C(1)(b) (and the “and” before it);
    - (iv) section 10(4A)(c)(ii) (but not the “and” after it);
    - (v) section 10A(1A)(c)(ii) (but not the “and” after it);
    - (vi) section 13A(2A)(c)(ii) (but not the “and” after it);
    - (vii) section 14(2);
    - (viii) section 17(1)(b) (but not the “and” after it);
  - (b) in the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184)—
    - (i) regulation 4(2);
    - (ii) regulation 6(1)(c);
  - (c) in the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), regulation 25(6).
- (2) In consequence of the amendments made by subsection (1)—
- (a) in the Elected Authorities (Northern Ireland) Act 1989, in Schedule 1—
    - (i) in Part 1, for “Section 4(2)” substitute “ Section 4(3) ”;
    - (ii) in Part 2, omit paragraph 7(1);
  - (b) in the Representation of the People Act 2000, omit paragraph 7 of Schedule 1.

VALID FROM 01/10/2014

#### **15 Registration as an overseas elector: declaration of nationality**

- (1) In the Representation of the People Act 1985, in section 2 (registration of British citizens overseas)—
- (a) after subsection (3) insert—
    - “(3A) An overseas elector's declaration that specifies an address in Northern Ireland under subsection (4) may, instead of or in addition

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- to including a statement under subsection (3)(b), state that the declarant is an eligible Irish citizen.”;
- (b) after subsection (8) insert—
- “(9) In this section “eligible Irish citizen” means an Irish citizen who—
- (a) was born in Northern Ireland, and
- (b) qualifies as a British citizen (whether or not he identifies himself as such).
- (10) A person found abandoned in Northern Ireland as a new-born infant is, unless the contrary is shown, deemed for the purposes of subsection (9) to have been born in Northern Ireland.”
- (2) In the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), in regulation 20 (contents of overseas elector's declaration)—
- (a) in paragraph (1)—
- (i) after “required” insert “ or permitted ”;
- (ii) after “2(3)(a) to (d)” insert “ , (3A) ”;
- (iii) for “(7)” substitute “ (6B) ”;
- (b) after paragraph (5) insert—
- “(5A) Where the conditions in paragraph (4)(a) and (b) are not met in relation to a declarant, his overseas elector's declaration shall comply with paragraphs (6) to (6B).”;
- (c) in paragraph (6), for the words before sub-paragraph (a) substitute “ If the declaration includes a statement under section 2(3)(b) of the 1985 Act (statement that declarant is a British citizen), the declaration shall state— ”;
- (d) after that paragraph insert—
- “(6A) If the declaration includes a statement under section 2(3A) of the 1985 Act (statement that declarant is an eligible Irish citizen), the declaration shall state—
- (a) in the case of a declarant who is the bearer of an Irish passport, the number of that passport together with its date and place of issue, or
- (b) otherwise, when and how the declarant acquired the status of Irish citizen, together with the date, place and country of the declarant's birth.
- (6B) Where, apart from this paragraph, a declaration would be required to include both a statement under paragraph (6) and a statement under paragraph (6A), the declaration need include only one of those statements.”;
- (e) omit paragraph (7).
- (3) In regulation 22 of those regulations (attestation of certain overseas electors' declarations)—
- (a) in paragraph (3) for “the bearer of a British passport which describes his national status as a “British citizen”” substitute “ a person ”;
- (b) after paragraph (3)(c) insert “; and
- (d) is—

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- (i) the bearer of a British passport which describes his national status as a “British citizen”, or
- (ii) an eligible Irish citizen who is the bearer of an Irish passport.”;
- (c) in paragraph (4), after “British citizen” insert “, or an eligible Irish citizen, ”;
- (d) for paragraph (5)(b) substitute—
  - “(b) any of the following—
    - (i) that he is the bearer of a British passport which describes his national status as a “British citizen”, together with the number of that passport and its date and place of issue;
    - (ii) that he is an eligible Irish citizen who is the bearer of an Irish passport, together with the number of that passport and its date and place of issue;
    - (iii) that he is the bearer of a British passport which describes his national status as a “British citizen” and is an eligible Irish citizen who is the bearer of an Irish passport, together with the number of either of those passports and its date and place of issue;”;
- (e) in paragraph (5)(f), after “British citizen” insert “, or an eligible Irish citizen, ”;
- (f) after paragraph (5) insert—
  - “(6) In this regulation “eligible Irish citizen” has the meaning given by section 2(9) and (10) of the 1985 Act.”

VALID FROM 01/10/2014

## 16 Absent voting

- (1) In section 13BA of the Representation of the People Act 1983 (alteration of registers in Northern Ireland: pending elections), omit subsection (4) (which prevents late registration as an absent voter).
- (2) In consequence of the amendment made by subsection (1)—
  - (a) in Part 2 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989, omit paragraph 8A;
  - (b) in Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006, omit paragraph 7(4).

## 17 Electoral identity cards

After section 13C of the Representation of the People Act 1983 (electoral identity card: Northern Ireland) insert—

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### **“13CZA Provision of false information: application for electoral identity card**

- (1) A person who provides false information in connection with an application for an electoral identity card is guilty of an offence.
- (2) In relation to a signature, “false information” for the purposes of subsection (1) means a signature which—
  - (a) is not the usual signature of, or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (3) A person does not commit an offence under subsection (1) if the person did not know, and had no reason to suspect, that the information was false.
- (4) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (5) A person guilty of an offence under this section is liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months, or
  - (b) a fine not exceeding level 5 on the standard scale, or to both.”

## **18 Chief Electoral Officer: duty to take necessary steps**

- (1) In the Representation of the People Act 1983 (“RPA 1983”)—
  - (a) section 9A (duty of registration officers to take necessary steps) extends to Northern Ireland (as well as Great Britain), and
  - (b) in section 9 (registers of electors), omit subsection (6) (duty of registration officers in Northern Ireland to take reasonable steps).
- (2) In consequence of subsection (1)(a), in section 78(2)(a) of the Electoral Administration Act 2006 (which confined the extent of section 9A of RPA 1983 to Great Britain), for “9” substitute “9(2) ”.
- (3) Section 9A of RPA 1983 is amended as follows—
  - (a) in subsection (1), for the words from “for the purpose of securing” to the end substitute “—
    - (a) in the case of a registration officer in Great Britain, for the purpose of securing that, so far as is reasonably practicable, persons who are entitled to be registered in a register (and no others) are registered in it, and
    - (b) in the case of the Chief Electoral Officer for Northern Ireland, for the purpose of meeting the relevant registration objectives.”;
  - (b) in subsection (2)(a), after “section 9D” insert “ or 10 ”;
  - (c) in subsection (2)(b), for “subsection (5) of that section” substitute “ section 9D(5) or 10(5) ”.

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- (4) In Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (application, with modifications, of provisions of RPA 1983 to local elections), in Part 1 (provisions applied), after “Sections 9,” insert “ 9A, ”.

#### Commencement Information

- II** S. 18 partly in force; s. 18(1)(2)(4) in force at 13.5.2014, see s. 28(4) and s. 18(3) in force for E.W. at 10.6.2014 and for S. at 19.9.2004, see s. 28(5) and S.I. 2014/414, art. 5(m)

## 19 Chief Electoral Officer: performance standards etc

- (1) The Secretary of State may by order made by statutory instrument make provision about objectives or standards of performance to be met by the Chief Electoral Officer for Northern Ireland, including in particular provision about—
- (a) setting such objectives or standards;
  - (b) assessing or reporting the extent to which such objectives or standards have been met.
- (2) An order under this section may confer a function on, or modify or remove a function of, the Chief Electoral Officer for Northern Ireland, the Electoral Commission or the Secretary of State.
- (3) References in subsection (2) to a function include a discretionary function.
- (4) An order under this section may—
- (a) amend, repeal, revoke or otherwise modify any enactment (whenever passed or made);
  - (b) include consequential, supplementary, incidental, transitional, transitory or saving provision.
- (5) In this section “enactment” includes—
- (a) a provision of an Act, including a provision of or inserted by this Act;
  - (b) a provision of, or of an instrument made under, Northern Ireland legislation;
  - (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).
- (6) An order under this section may 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.

## 20 Data sharing

- (1) In the Representation of the People Act 1983 (“RPA 1983”), in section 53(8) (power to make regulations as to registration etc), omit “in Great Britain”.
- (2) In Schedule 2 to RPA 1983 (provisions which may be contained in regulations as to registration etc)—
- (a) in paragraph 1—
    - (i) omit sub-paragraphs (4A) and (4B);
    - (ii) in sub-paragraph (5) omit “or (4A)”;
    - (iii) omit sub-paragraphs (6) to (8);

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- (b) in paragraph 1A(1), omit “in Great Britain”;
  - (c) in paragraph 8C—
    - (i) in sub-paragraph (1)(a), for “or 10ZD” substitute “ , 10ZD or 10A ”;
    - (ii) in sub-paragraph (1)(b) omit “in Great Britain”;
  - (d) in paragraph 11A, omit sub-paragraph (1A);
  - (e) in paragraph 13, omit sub-paragraph (1ZA).
- (3) In Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (application, with modifications, of provisions of RPA 1983 to local elections), in Part 1 (provisions applied), after “Section 53 and, in Schedule 2, paragraphs 1(2) to (5),” insert “ 1A, ”.
- (4) In the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (“the 2008 regulations”)—
- (a) in regulation 41(1) (requests for information), for “the purposes mentioned in paragraph 1(4B)” substitute “ any of the purposes mentioned in paragraph 1A(1) ”;
  - (b) in regulation 43(1)(a) (disclosure of information), for “the purpose mentioned in paragraph 1(4B)” substitute “ any of the purposes mentioned in paragraph 1A(1) ”.
- (5) Regulation 41 (as amended by subsection (4)(a)) and regulation 42 of the 2008 regulations are treated for the purposes of paragraph 1A of Schedule 2 to RPA 1983 as having been made under that paragraph.
- (6) Regulation 43 (as amended by subsection (4)(b)) of the 2008 regulations is treated for the purposes of paragraphs 1A and 13(1ZB) of Schedule 2 to RPA 1983 as having been made under those paragraphs.
- (7) In consequence of the amendments made by subsection (2)(a), (d) and (e)—
- (a) omit section 6 of the Electoral Fraud (Northern Ireland) Act 2002;
  - (b) omit section 7 of the Northern Ireland (Miscellaneous Provisions) Act 2006.

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**Commencement Information**

- I2** S. 20 partly in force; s. 20(1)(2)(a)(b)(c)(ii) in force at Royal Assent, see s. 28(1)(f) and s. 20(2)(c)(ii) coming into force in accordance with s. 28(2)

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