

Status: Point in time view as at 27/08/2022. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Elections Act 2022, Schedule 1 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

VOTER IDENTIFICATION

Amendments of RPA 1983

1 RPA 1983 is amended as follows.

Commencement Information

- I1** Sch. 1 para. 1 not in force at Royal Assent, see **s. 67(1)**
- I2** Sch. 1 para. 1 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(i)**

2 After section 13BC insert—

“13BD Electoral identity document: Great Britain

- (1) An application for an electoral identity document may be made by a person who—
 - (a) is or has applied to be registered in a register of parliamentary electors in Great Britain or a register of local government electors in England, or
 - (b) is or has applied to be registered in a register of local government electors in Wales and—
 - (i) is entitled to vote or, as the case may be, will on being registered be entitled to vote, at an election of a police and crime commissioner for a police area in Wales (see section 52(1A) of the Police Reform and Social Responsibility Act 2011), or
 - (ii) will be entitled to vote or, as the case may be, will on being registered be entitled to vote, at such an election on attaining the age of 18.
- (2) An application must be made to a registration officer who maintains a register referred to in subsection (1) in which the applicant is or has applied to be registered.
- (3) A registration officer must, in accordance with regulations, determine an application made to the registration officer.
- (4) Regulations may make provision—
 - (a) about the timing of an application for an electoral identity document;
 - (b) about the issuing or collection of an electoral identity document.
- (5) Regulations under **subsection (4)(a)** may in particular provide for an application to be disregarded for the purposes of a particular election where

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the application is received after a deadline specified by reference to the date of that election.

- (6) The provision that may be made by virtue of [subsection \(4\)\(b\)](#) includes provision amending the parliamentary elections rules in connection with the collection of an electoral identity document from a polling station.
- (7) No charge may be made for the issue of an electoral identity document.
- (8) Regulations must require an electoral identity document issued to a person—
 - (a) to state the person’s full name, and
 - (b) to contain a photograph of the person.
- (9) Regulations may require an electoral identity document to include other information.
- (10) Regulations may make provision about—
 - (a) the form of an electoral identity document (including provision for the document to be issued in different forms in different circumstances), and
 - (b) the period for which an electoral identity document issued in a particular form is to be valid.
- (11) Regulations under subsection (9) or (10)(a) may confer functions on the Electoral Commission (for example, the Commission may be required to design an electoral identity document).

13BE Anonymous elector’s document: Great Britain

- (1) An application for an anonymous elector’s document may be made by a person who—
 - (a) has or has applied for an anonymous entry in a register of parliamentary electors in Great Britain or a register of local government electors in England, or
 - (b) has or has applied for an anonymous entry in a register of local government electors in Wales and—
 - (i) is entitled to vote or, as the case may be, will on having an anonymous entry in the register be entitled to vote, at an election of a police and crime commissioner for a police area in Wales (see section 52(1A) of the Police Reform and Social Responsibility Act 2011), or
 - (ii) will be entitled to vote or, as the case may be, will on having an anonymous entry in the register be entitled to vote, at such an election on attaining the age of 18.
- (2) An application must be made to a registration officer who maintains a register referred to in subsection (1) in which the applicant has or has applied for an anonymous entry.
- (3) A registration officer must, in accordance with regulations, determine an application made to the registration officer.
- (4) Regulations may make provision—

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- (a) about the timing of an application for an anonymous elector’s document;
 - (b) about the issuing or collection of an anonymous elector’s document.
- (5) Regulations under subsection (4)(a) may in particular provide for an application to be disregarded for the purposes of a particular election where the application is received after a deadline specified by reference to the date of that election.
- (6) The provision that may be made by virtue of subsection (4)(b) includes provision amending the parliamentary elections rules in connection with the collection of an anonymous elector’s document from a polling station.
- (7) No charge may be made for the issue of an anonymous elector’s document.
- (8) Regulations must require an anonymous elector’s document issued to a person—
- (a) to state the person’s electoral number, and
 - (b) to contain a photograph of the person.
- (9) Regulations may require an anonymous elector’s document to include other information.
- (10) Regulations may make provision about—
- (a) the form of an anonymous elector’s document (including provision for the document to be issued in different forms in different circumstances), and
 - (b) the period for which an anonymous elector’s document issued in a particular form is to be valid.
- (11) Regulations under subsection (9) or (10)(a) may confer functions on the Electoral Commission (for example, the Commission may be required to design an anonymous elector’s document).
- (12) Regulations—
- (a) may authorise or require a registration officer to remind a person who has an anonymous entry in a register maintained by the officer of the need to obtain an anonymous elector’s document in order to be able to vote in person;
 - (b) may require a registration officer, in prescribed circumstances, to replace an anonymous elector’s document issued to a person with a new anonymous elector’s document issued by the officer.”

Commencement Information

I3 Sch. 1 para. 2 not in force at Royal Assent, see **s. 67(1)**

I4 Sch. 1 para. 2 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(ii)**

- 3 (1) Section 13C (electoral identity card: Northern Ireland) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “and” after paragraph (a);
 - (b) omit paragraph (b).

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(3) After subsection (3) insert—

“(3A) Regulations may make provision about the issuing or collection of an electoral identity card.

(3B) The provision that may be made by virtue of [subsection \(3A\)](#) includes provision amending the parliamentary elections rules in connection with the collection of an electoral identity card from a polling station.”

(4) In subsection (4), in paragraph (d), before “include” insert “subject to provision made by virtue of subsection (4A),”.

(5) After subsection (4) insert—

“(4A) Regulations may make provision—

- (a) about the information to be included in an electoral identity card;
- (b) about the form of an electoral identity card (including provision for the card to be issued in different forms in different circumstances).”

Commencement Information

I5 Sch. 1 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I6 Sch. 1 para. 3 in force at 27.8.2022 for specified purposes by [S.I. 2022/916, reg. 2\(d\)\(iii\)](#)

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4 (1) Section 13CZA (provision of false information: application for electoral identity card), as extended by paragraph [38](#) of this Schedule, is amended as follows.

(2) For subsection (1) substitute—

“(1) A person commits an offence if the person provides false information in connection with—

- (a) an application under [section 13BD](#) for an electoral identity document,
- (b) an application under [section 13BE](#) for an anonymous elector’s document, or
- (c) an application under section 13C for an electoral identity card.”

(3) For subsection (5) substitute—

“(5) A person who commits an offence under this section is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine (or both);
- (b) on summary conviction in Scotland, to 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, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both).

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(6) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to six months.”

(4) In the heading, after “application for” insert “electoral identity document, anonymous elector’s document or”.

Commencement Information

I7 Sch. 1 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

5 In section 56 (registration appeals: England and Wales), in subsection (1), after paragraph (ab) insert—

“(ac) from a determination of a registration officer not to issue—

(i) an electoral identity document following an application under section 13BD, or

(ii) an anonymous elector’s document following an application under section 13BE.”.

Commencement Information

I8 Sch. 1 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

I9 [Sch. 1 para. 5](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(iv\)](#)

6 In section 58 (registration appeals: Northern Ireland), in subsection (1), after paragraph (ba) insert—

“(bb) from a determination of the Chief Electoral Officer not to issue an electoral identity card following an application under section 13C;”.

Commencement Information

I10 Sch. 1 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

I11 [Sch. 1 para. 6](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(v\)](#)

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7 After section 59 (supplemental provisions as to members of forces and service voters) insert—

“59A Reports on voter identification requirements in Great Britain

(1) The Secretary of State must prepare and publish reports on the effect of the voter identification requirements on applications made under rule 37(1), 38(1), 39(1) or 40(1) of the parliamentary elections rules.

(2) The duty under subsection (1) applies in respect of each of the first two parliamentary general elections that are held after the day on which [paragraph 7](#) of [Schedule 1](#) to the Elections Act 2022 comes into force.

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- (3) Subsection (4) applies where requirements corresponding to the voter identification requirements (“the corresponding requirements”) have effect in relation to local government elections in England by virtue of rules made under section 36.
- (4) The Secretary of State must prepare and publish reports on the effect of the corresponding requirements on applications made under the provisions of rules made under section 36 corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.
- (5) The duty under subsection (4) applies in respect of the first ordinary elections of councillors for local government areas in England that—
 - (a) are held on an ordinary day of election (as determined under section 37) after the day on which the corresponding requirements come into force, and
 - (b) are not combined with a parliamentary general election.
- (6) In preparing a report under this section, the Secretary of State must in particular take into account—
 - (a) in the case of a report under subsection (1), information provided to the Secretary of State under rule 40B of the parliamentary elections rules (collection and disclosure of information relating to applications under rules 37 to 40);
 - (b) in the case of a report under subsection (4), information provided to the Secretary of State under any provision of rules made under section 36 corresponding to rule 40B of the parliamentary elections rules.
- (7) In this section, “the voter identification requirements” means paragraphs (1A) to (1T) of rule 37 of the parliamentary elections rules (voting procedure) as it extends to England and Wales and to Scotland (including those paragraphs as applied by rule 38, 39 or 40 of those rules).”

Commencement Information

112 Sch. 1 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

- 8 (1) Section 61 (other voting offences) is amended as follows.
- (2) In subsection (6), after “deemed to have voted” insert “(but see subsection (6ZA))”.
- (3) After subsection (6) insert—

“(6ZA) For the purpose of determining whether an application for a ballot paper constitutes an offence under any of the multiple voting provisions, a previous application is to be disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.

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(6ZB) In subsection (6ZA), “the multiple voting provisions” means subsections (2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c).”

Commencement Information

I13 Sch. 1 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

9 In section 66B (failure to comply with conditions relating to supply etc of certain documents), in subsection (1)(a), after “rule” insert “19B, 56A or”.

Commencement Information

I14 Sch. 1 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

10 Schedule 1 (Parliamentary elections rules) is amended in accordance with paragraphs [11](#) to [33](#).

Commencement Information

I15 Sch. 1 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

I16 [Sch. 1 para. 10](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(vi\)](#)

11 After rule 19A insert—

“Date of birth lists for polling stations in Northern Ireland

19B (1) The Chief Electoral Officer for Northern Ireland must prepare the following lists for each polling station—

- (a) a list setting out, in relation to each elector allotted to the polling station, the elector’s date of birth as supplied pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b);
- (b) a list setting out, in relation to each person appointed to vote as proxy for an elector allotted to the polling station, the person’s date of birth as supplied pursuant to a relevant provision.

(2) For the purposes of paragraph (1)(b), “relevant provision” means—

- (a) where the person is or will be registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b), and
- (b) where the person is or will be registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), section 8(7A) of the Representation of the People Act 1985.

(3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the presiding officer or a clerk at the polling

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station to make a decision under rule 37(1B)(a)(ii) (decision whether specified document raises doubt as to voter’s apparent age).

- (4) A person to whom paragraph (5) applies must not, otherwise than in accordance with these rules (including regulations under paragraph (6))
-
- (a) permit a list prepared under paragraph (1) for a polling station to be inspected;
 - (b) supply to any person a copy of a list prepared under paragraph (1) for a polling station or information contained in such a list;
 - (c) make use of information contained in a list prepared under paragraph (1).
- (5) This paragraph applies to—
- (a) the Chief Electoral Officer for Northern Ireland;
 - (b) a person to whom functions are delegated by the Chief Electoral Officer;
 - (c) the presiding officer of the polling station;
 - (d) a clerk or other officer appointed to work at the polling station.
- (6) Regulations may make provision—
- (a) enabling the inspection of a list prepared under paragraph (1) by prescribed persons;
 - (b) authorising or requiring prescribed persons to supply a copy of a list prepared under paragraph (1) to such persons as may be prescribed;
 - (c) for the payment of a fee in respect of the inspection of a list or the supply of a copy of a list.
- (7) Regulations under paragraph (6)(a) or (b) may impose conditions in relation to—
- (a) the inspection of a list;
 - (b) the supply of a copy of a list;
 - (c) the purposes for which information contained in a list that is inspected or supplied in pursuance of the regulations may be used.
- (8) The conditions that may be imposed by virtue of paragraph (7)(b) include conditions relating to the extent to which a person to whom a copy of a list has been supplied may—
- (a) supply the copy to any other person,
 - (b) disclose to any other person information contained in the copy, or
 - (c) use any such information for a purpose other than that for which the copy was supplied to the person.
- (9) Regulations under paragraph (6) may also impose, in respect of persons to whom a copy of a list has been supplied or information has been disclosed by virtue of paragraph (8), conditions corresponding to those mentioned in paragraph (8).”

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I17 Sch. 1 para. 11 not in force at Royal Assent, see [s. 67\(1\)](#)

I18 Sch. 1 para. 11 in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(vii\)](#)

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- 12 In rule 25 (provision of polling stations), after paragraph (5) insert—
- “(6) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”

Commencement Information

I19 Sch. 1 para. 12 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

- 13 (1) Rule 26 (appointment of presiding officers and clerks) is amended as follows.
- (2) In paragraph (3), for the words from “except” to the end substitute “except—
- (a) order the arrest of any person or the exclusion or removal of any person from the polling station,
 - (b) refuse to deliver a ballot paper under rule 35(3) or the relevant paragraph of rule 37, or
 - (c) resolve doubts over identity as mentioned in the relevant paragraph of rule 37.”
- (3) After paragraph (3) insert—
- “(4) In paragraph (3), “the relevant paragraph of rule 37” means—
- (a) in sub-paragraph (b)—
 - (i) paragraph (1E) of rule 37 as it extends to England and Wales and to Scotland (including that paragraph as applied by rule 38, 39 or 40);
 - (ii) paragraph (1C) of rule 37 as it extends to Northern Ireland (including that paragraph as applied by rule 38, 39 or 40);
 - (b) in sub-paragraph (c)—
 - (i) paragraph (1F) of rule 37 as it extends to England and Wales and to Scotland (including that paragraph as applied by rule 38, 39 or 40);
 - (ii) paragraph (1DA) of rule 37 as it extends to Northern Ireland (including that paragraph as applied by rule 38, 39 or 40).”

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Commencement Information

I20 Sch. 1 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

- 14 In rule 28 (issue of official poll cards), after paragraph (3) insert—
- “(3ZA) In the case of a form prescribed under paragraph (3) that relates to—
- (a) elections in England and Wales or Scotland, and
 - (b) an official poll card to be sent to an elector or proxy voting in person at a polling station,
- the form must include details of the documents the voter needs to bring to the polling station, namely—
- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
 - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”

Commencement Information

I21 Sch. 1 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

- 15 (1) Rule 29 (equipment of polling stations) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (e) insert—
- “(f) in the case of an election held in Northern Ireland, the lists prepared for the polling station under rule 19B.”
- (3) After paragraph (3) insert—
- “(3ZA) In the case of an election held in England and Wales or Scotland, the returning officer must also provide each polling station with a prescribed form (referred to in these rules as “the ballot paper refusal list”) on which entries are to be made as mentioned in rule 40ZB (refusal to deliver ballot paper: Great Britain).”
- (4) After paragraph (4) insert—
- “(4A) In the case of an election held in England and Wales or Scotland, a large notice must be displayed inside each polling station containing—
- (a) details of the documents the voter needs to produce when applying for a ballot paper, namely—
 - (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);

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- (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card, and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a specified form of identification and the name of the elector or proxy that the voter claims to be.”

Commencement Information

I22 Sch. 1 para. 15 not in force at Royal Assent, see [s. 67\(1\)](#)

I23 Sch. 1 para. 15(1) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(viii\)](#)

I24 Sch. 1 para. 15(3) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(viii\)](#)

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- 16 (1) Rule 35 (questions to be put to voters) is amended as follows.
- (2) In the table following paragraph (1), in the column headed “Questions”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) At an election held in England and Wales or Scotland, “What is your name?”
 - “(zb) At an election held in England and Wales or Scotland, “What is your address?””
- (3) Before paragraph (3) insert—
- “(2B) In the case of an election held in England and Wales or Scotland, where a clerk—
- (a) gives a person the required information (see paragraph (5)),
 - (b) puts a question specified in paragraph (1) to the person, and
 - (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”
- (4) For paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives a person the required information,
 - (b) puts a question specified in paragraph (1) to the person (whether or not, in the case of an election held in England and Wales or Scotland, following a referral under paragraph (2B)), and
 - (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person.

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In the case of an election held in England and Wales or Scotland, see rule 40ZB (procedure where ballot paper is refused under this paragraph).

(3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—

- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of parliamentary electors;
- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.

(3B) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D), the references to the register in paragraph (3A) above are to be read as references to the notice issued under section 13B(3B) or (3D).”

(5) In paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”.

(6) After paragraph (4) insert—

“(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”

Commencement Information

I25 Sch. 1 para. 16 not in force at Royal Assent, see [s. 67\(1\)](#)

17 (1) Rule 37 (voting procedure), as it extends to Northern Ireland, is amended as follows.

(2) For the heading substitute “Voting procedure and voter identification requirements: Northern Ireland”.

(3) After paragraph (1A) insert—

“(1AA) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”

(4) In paragraph (1B), for the words from “the officer” to the end substitute “—

- (a) the officer or clerk decides that—
 - (i) the document, or
 - (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to a relevant provision (see paragraph (1DC)),

raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or

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- (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (1EA)).”
- (5) In paragraph (1C)—
- (a) after “decides” insert “or reasonably suspects (as the case may be)”;
- (b) after “voter” insert “(subject to paragraph (1DA))”.
- (6) In paragraph (1D), after “decides” insert “or reasonably suspects (as the case may be)”.
- (7) After paragraph (1D) insert—
- “(1DA) There is an exception from paragraph (1C) for cases within sub-paragraph (a) of paragraph (1B) where—
- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
- (1DB) The refusal to deliver a ballot paper under paragraph (1C) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1DA) apply on any further application.
- (1DC) For the purposes of paragraph (1B)(a)(ii), “relevant provision” means—
- (a) where the voter is registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act, and
- (b) where the voter is registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), section 8(7A) of the Representation of the People Act 1985.”
- (8) In paragraph (1E)—
- (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
- (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
- (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
- (d) after sub-paragraph (l) insert—
- “(m) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;
- (n) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”
- (9) After paragraph (1E) insert—
- “(1EA) In this rule a “forged document” means a false document made to resemble a specified document.”
- (10) After paragraph (1F) insert—

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“(1FA) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”

Commencement Information

- I26** Sch. 1 para. 17 not in force at Royal Assent, see **s. 67(1)**
I27 Sch. 1 para. 17(1) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(ix)**
I28 Sch. 1 para. 17(8) in force at 27.8.2022 by S.I. 2022/916, **reg. 2(d)(ix)**

VALID FROM 16/01/2023

- 18 (1) Rule 37 (voting procedure), as it extends to England and Wales and to Scotland, is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements: Great Britain”.
- (3) In paragraph (1)—
- (a) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1P), a”, and
 - (b) omit sub-paragraph (a).
- (4) After paragraph (1) insert—
- “(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
- (1B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
- (1C) Paragraph (1D) applies in relation to a voter where—
- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
 - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document (see paragraph (1P)).
- (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.
- (1E) The presiding officer must refuse to deliver a ballot paper to a voter where—
- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or

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- (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.

See rule 40ZB (procedure where ballot paper is refused under this paragraph).

- (1F) But there is an exception from paragraph (1E) for cases within subparagraph (a) of that paragraph where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

- (1G) The refusal to deliver a ballot paper to a voter under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

- (1H) In this rule a “specified document”, except in the case of a voter with an anonymous entry in the register of electors (as to which see paragraph (1K)), means any of the following documents (in whatever form issued to the holder) that contain a photograph of the holder—

- (a) a United Kingdom passport (see paragraph (1I));
- (b) a passport issued by an EEA state or a Commonwealth country;
- (c) a licence to drive a motor vehicle granted under—
 - (i) Part 3 of the Road Traffic Act 1988, or
 - (ii) the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (N.I. 1));
- (d) a driving licence issued by any of the Channel Islands, the Isle of Man or an EEA state;
- (e) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007;
- (f) an identity card bearing the Proof of Age Standards Scheme hologram (a PASS card);
- (g) a Ministry of Defence Form 90 (Defence Identity Card);
- (h) a relevant concessionary travel pass (see paragraph (1J));
- (i) a badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme);
- (j) an electoral identity document issued under section 13BD (electoral identity document: Great Britain);
- (k) an electoral identity card issued under section 13C (electoral identity card: Northern Ireland);
- (l) a national identity card issued by an EEA state.

- (1I) In paragraph (1H)(a) “United Kingdom passport” means a passport issued by—

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- (a) the Government of the United Kingdom,
- (b) the Lieutenant-Governor of any of the Channel Islands or the Isle of Man, or
- (c) the Government of any British overseas territory.

(1J) In paragraph (1H)(h), “relevant concessionary travel pass” means a concessionary travel pass listed in the second column of the following table—

passes funded by the Government of the United Kingdom	<ul style="list-style-type: none"> an Older Person’s Bus Pass a Disabled Person’s Bus Pass an Oyster 60+ card a Freedom Pass
passes funded by the Scottish Government	the National Entitlement Card
passes funded by the Welsh Government	<ul style="list-style-type: none"> a 60 and Over Welsh Concessionary Travel Card a Disabled Person’s Welsh Concessionary Travel Card
passes issued under the Northern Ireland Concessionary Fares Scheme	<ul style="list-style-type: none"> a Senior SmartPass a Registered Blind SmartPass or Blind Person’s SmartPass a War Disablement SmartPass or War Disabled SmartPass a 60+ SmartPass a Half Fare SmartPass

(1K) In this rule a “specified document”, in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document issued to the voter under section 13BE which—

- (a) was issued by an appropriate registration officer, and
- (b) contains the voter’s electoral number.

(1L) For the purposes of paragraph (1K)—

“appropriate registration officer” means—

- (a) the registration officer for the constituency in which the election is being held, or
- (b) where the election is being held in a constituency for which there is more than one registration officer, any of those officers;

a voter’s “electoral number” is the number—

- (a) allocated to the voter as stated in the copy of the register of electors, or
- (b) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.

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(1M) A reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it (subject to paragraph (1N)).

(1N) Paragraph (1M) does not apply to a document which—

- (a) is referred to in paragraph (1H)(j) or (1K), and
- (b) in accordance with regulations made by virtue of section 13BD or 13BE (as the case may be), is issued for use only at a particular poll or at particular polls being held on the same day.

(1P) In this rule a “forged document” means a false document made to resemble a specified document.

(1Q) Regulations may make provisions varying paragraph (1H), (1I) or (1J) by—

- (a) adding a reference to a document to any of those paragraphs,
- (b) removing a reference to a document from any of those paragraphs (other than the document referred to in paragraph (1H)(j)), or
- (c) varying any description of document referred to in any of those paragraphs.

(1R) The power to make provision by virtue of paragraph (1Q)(b) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission.

(1S) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

(1T) References in this rule to producing a document are to producing it for inspection.”

(5) In paragraph (2), omit the words from “and only” to the end.

(6) In paragraph (3), omit sub-paragraph (a).

Commencement Information

I29 Sch. 1 para. 18 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

19 In rule 38 (votes marked by presiding officer), for paragraph (1A) substitute—

“(1A) The relevant paragraphs of rule 37 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
- (b) in rule 37(1G) as it extends to England and Wales and to Scotland, and in rule 37(1DB) as it extends to Northern

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Ireland, the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.

(1B) In paragraph (1A), “the relevant paragraphs of rule 37” means—

- (a) paragraphs (1A) to (1T) of rule 37 as it extends to England and Wales and to Scotland;
- (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”

Commencement Information

I30 Sch. 1 para. 19 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

20 In rule 39 (voting by persons with disabilities), for paragraph (2A) substitute—

“(2A) The relevant paragraphs of rule 37 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
- (b) in rule 37(1G) as it extends to England and Wales and to Scotland, and in rule 37(1DB) as it extends to Northern Ireland, the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.

(2B) In paragraph (2A), “the relevant paragraphs of rule 37” means—

- (a) paragraphs (1A) to (1T) of rule 37 as it extends to England and Wales and to Scotland;
- (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”

Commencement Information

I31 Sch. 1 para. 20 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

21 (1) Rule 40 (tendered ballot papers) is amended as follows.

(2) For paragraph (1A) substitute—

“(1A) The relevant paragraphs of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 37(1), subject to the modification set out in paragraph (1AA).

(1AA) The modification is that—

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(a) in rule 37(1G) as it extends to England and Wales and to Scotland, and

(b) in rule 37(1DB) as it extends to Northern Ireland,

the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.

(1AB) In paragraph (1A), “the relevant paragraphs of rule 37” means—

(a) paragraphs (1A) to (1T) of rule 37 as it extends to England and Wales and to Scotland;

(b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”

(3) In paragraph (1B), after “where” insert “, at an election held in Northern Ireland”.

Commencement Information

I32 Sch. 1 para. 21 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

22 After rule 40ZA insert—

“Refusal to deliver ballot paper: Great Britain

40ZB (1) This rule applies in relation to an election held in England and Wales or Scotland.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

(a) the voter’s electoral number, and

(b) against that number, the reason for the refusal.

(3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

(a) the name and address of the voter, and

(b) against those details, the reason for the refusal.

(4) Paragraphs (5) and (6) apply where—

(a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and

(b) the voter makes a further application under rule 37(1).

(5) If a ballot paper is delivered to the voter following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

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- (6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter).
- (8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—
 - (a) allocated to the person as stated in the copy of the register of electors, or
 - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.
- (9) Subject to rule 37(1G) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (11) In this rule—
 - (a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and
 - (b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.”

Commencement Information

I33 Sch. 1 para. 22 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

- 23 In rule 40A—
- (a) for the heading substitute “Refusal to deliver ballot paper: Northern Ireland”;
 - (b) in paragraph (2), after “that” insert “and to rule 37(1DB)”.

Commencement Information

I34 Sch. 1 para. 23 not in force at Royal Assent, see [s. 67\(1\)](#)

- 24 After rule 40A insert—

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“Collection and disclosure of information relating to applications made under rules 37 to 40

- 40B (1) This rule applies in relation to an election held in England and Wales or Scotland if—
- (a) regulations provide that this rule applies in relation to the election, or
 - (b) the election is within a description of elections in relation to which regulations provide that this rule applies.
- (2) A presiding officer must—
- (a) collect prescribed information relating to applications made under rules 37(1), 38(1), 39(1) and 40(1), and
 - (b) provide the prescribed information to the returning officer as soon as practicable after the close of the poll.
- (3) Where the prescribed information relates to an election held in England and Wales—
- (a) the returning officer must forward the information to the relevant registration officer, and
 - (b) the relevant registration officer must, as soon as reasonably practicable after receiving the information, deal with it as required by paragraph (5).
- (4) Where the prescribed information relates to an election held in Scotland, the returning officer must deal with it as required by paragraph (5).
- (5) The relevant registration officer or (as the case may be) the returning officer must—
- (a) anonymise the prescribed information by removing from it all names and electoral numbers of the people to whom the information relates, and
 - (b) collate the information in the prescribed manner.
- The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (5) information”.
- (6) The relevant registration officer or (as the case may be) the returning officer must provide the paragraph (5) information—
- (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (5), and
 - (b) where they request the information, to the Electoral Commission.
- (7) The relevant registration officer or (as the case may be) the returning officer must not disclose the paragraph (5) information otherwise than in accordance with paragraph (6).
- (8) The relevant registration officer or (as the case may be) the returning officer must retain the information anonymised in accordance with paragraph (5)(a) for at least 10 years.

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- (9) For the purposes of paragraph (5)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
 - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.
- (10) Except as provided by paragraph (11), a disclosure of information under this rule does not breach—
- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (11) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (12) In this rule—
- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);
 - (b) references to the relevant registration officer are to—
 - (i) the registration officer of the local authority in whose area the constituency is situated, or
 - (ii) if the constituency comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered.”

Commencement Information

I35 Sch. 1 para. 24 not in force at Royal Assent, see [s. 67\(1\)](#)

I36 Sch. 1 para. 24 in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(x\)](#)

VALID FROM 16/01/2023

- 25 In rule 43 (procedure on close of poll), after paragraph (1)(da) insert—
- “(db) in the case of an election held in England and Wales or Scotland, the ballot paper refusal list completed in accordance with rule 40ZB,
 - (dc) in the case of an election held in Northern Ireland, the lists provided to the polling station under rule 29(3)(f).”

Commencement Information

I37 Sch. 1 para. 25 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 27/08/2022. This version of this schedule contains provisions that are not valid for this point in time.

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VALID FROM 31/01/2024

26 After rule 53A insert—

“Destruction of date of birth lists: Northern Ireland

53B The Chief Electoral Officer for Northern Ireland must destroy the lists provided to the polling station under rule 29(3)(f)—

- (a) on the next working day following the 21st day after the Chief Electoral Officer has returned the name of the member elected, or
- (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.”

Commencement Information

I38 Sch. 1 para. 26 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

27 In rule 54 (sealing up of ballot papers), after paragraph (2)(b) insert—

“(ba) in the case of an election held in England and Wales or Scotland, the completed ballot paper refusal list,”.

Commencement Information

I39 Sch. 1 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

28 In rule 55 (delivery of documents to registration officer), after paragraph (1)(ca) insert—

“(cb) in the case of an election held in England and Wales or Scotland, the packet containing the completed ballot paper refusal list,”.

Commencement Information

I40 Sch. 1 para. 28 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

29 In rule 56 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—

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- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
- (b) for the inspection or production of that list,
- may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to an election in England and Wales or Scotland.”

Commencement Information

I41 Sch. 1 para. 29 not in force at Royal Assent, see [s. 67\(1\)](#)

30 After rule 56 insert—

“Inspection of ballot paper refusal list: Great Britain

- 56A (1) Regulations may make provision about the circumstances in which a registration officer may open the sealed packet containing a completed ballot paper refusal list and inspect the list.
- (2) Regulations may impose conditions in relation to the opening of a sealed packet or the inspection of a list by virtue of paragraph (1).
- (3) Regulations may make provision about the disclosure by a registration officer of information contained in the ballot paper refusal list.”

Commencement Information

I42 Sch. 1 para. 30 not in force at Royal Assent, see [s. 67\(1\)](#)

I43 Sch. 1 para. 30 in force at 27.8.2022 by S.I. 2022/916, [reg. 2\(d\)\(xi\)](#)

VALID FROM 16/01/2023

31 In rule 57 (retention and public inspection of documents), after paragraph (2)(b) insert—

“(ba) in the case of an election held in England and Wales or Scotland, the completed ballot paper refusal list,”.

Commencement Information

I44 Sch. 1 para. 31 not in force at Royal Assent, see [s. 67\(1\)](#)

32 In rule 58 (disposal of documents in Scotland), after paragraph (2)(b) insert—

“(ba) the references in rule 56A to a registration officer are to be read as references to the returning officer;”.

Commencement Information

I45 Sch. 1 para. 32 not in force at Royal Assent, see [s. 67\(1\)](#)

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I46 Sch. 1 para. 32 in force at 27.8.2022 for specified purposes by S.I. 2022/916, reg. 2(d)(xi)

VALID FROM 16/01/2023

- 33 (1) In the Appendix of Forms, the form of directions for the guidance of the voters in voting is amended as follows.
- (2) Before the existing paragraph 1 insert—
- “1 You must satisfy the presiding officer about your identity by showing an approved form of ID.”
- (3) The existing paragraphs numbered 1, 2, 3 and 4 are re-numbered 2, 3, 4 and 5 respectively.

Commencement Information

I47 Sch. 1 para. 33 not in force at Royal Assent, see s. 67(1)

VALID FROM 16/01/2023

Extension of Northern Ireland voter identification provisions to Great Britain

- 34 Section 2(3)(b) and (c) of the Elections (Northern Ireland) Act 1985, and section 2(1) of that Act so far as relating to those provisions, extend to England and Wales and to Scotland (as well as to Northern Ireland).

Commencement Information

I48 Sch. 1 para. 34 not in force at Royal Assent, see s. 67(1)

- 35 After section 7(4) of the Elections (Northern Ireland) Act 1985 insert—
- “(5) See also paragraph 34 of Schedule 1 to the Elections Act 2022 (which relates to section 2 of this Act).”

Commencement Information

I49 Sch. 1 para. 35 not in force at Royal Assent, see s. 67(1)

- 36 Section 5(2) of the Electoral Fraud (Northern Ireland) Act 2002, and section 5(1) of that Act so far as relating to that provision, extend to England and Wales and to Scotland (as well as to Northern Ireland).

Commencement Information

I50 Sch. 1 para. 36 not in force at Royal Assent, see s. 67(1)

- 37 After section 8(5) of the Electoral Fraud (Northern Ireland) Act 2002 insert—

Status: Point in time view as at 27/08/2022. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Elections Act 2022, Schedule 1 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(6) See also paragraph 36 of Schedule 1 to the Elections Act 2022 (which relates to section 5 of this Act: disabled voters).”

Commencement Information

I51 Sch. 1 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

38 Section 13CZA of RPA 1983 (provision of false information: application for electoral identity card) extends to England and Wales and to Scotland (as well as to Northern Ireland).

Commencement Information

I52 Sch. 1 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

39 After section 27(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 insert—

“(4) See also paragraph 38 of Schedule 1 to the Elections Act 2022 (which relates to section 17 of this Act: electoral identity cards).”

Commencement Information

I53 Sch. 1 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I48 Sch. 1 para. 34 not in force at Royal Assent, see [s. 67\(1\)](#)

I49 Sch. 1 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

I50 Sch. 1 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)

I51 Sch. 1 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

I52 Sch. 1 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

I53 Sch. 1 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 16/01/2023

Consequential repeals

40 Section 2(2) of the Elections (Northern Ireland) Act 1985 is repealed.

Commencement Information

I54 Sch. 1 para. 40 not in force at Royal Assent, see [s. 67\(1\)](#)

Status:

Point in time view as at 27/08/2022. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation:

Elections Act 2022, Schedule 1 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.