

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)**
- I3** Sch. 1 para. 1 in force at 16.1.2023 for specified purposes by **S.I. 2022/1401, 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.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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 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.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (4) Regulations may make provision—
 - (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

- I4** Sch. 1 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)
I5 Sch. 1 para. 2 in force at 27.8.2022 for specified purposes by [S.I. 2022/916, reg. 2\(d\)\(ii\)](#)
I6 Sch. 1 para. 2 in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401, reg. 2\(d\)\(ii\)](#)

- 3 (1) Section 13C (electoral identity card: Northern Ireland) is amended as follows.
- (2) In subsection (2)—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (a) omit the “and” after paragraph (a);
- (b) omit paragraph (b).

(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

I7 Sch. 1 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

I8 [Sch. 1 para. 3](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(iii\)](#)

I9 [Sch. 1 para. 3](#) in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(d\)\(ii\)](#)

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).

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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) 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

I10 Sch. 1 para. 4 not in force at Royal Assent, see **s. 67(1)**

I11 Sch. 1 para. 4 in force at 16.1.2023 by **S.I. 2022/1401, reg. 2(d)(ii)**

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

I12 Sch. 1 para. 5 not in force at Royal Assent, see **s. 67(1)**

I13 Sch. 1 para. 5 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(iv)**

I14 Sch. 1 para. 5 in force at 16.1.2023 in so far as not already in force by **S.I. 2022/1401, reg. 2(d)(ii)**

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

I15 Sch. 1 para. 6 not in force at Royal Assent, see **s. 67(1)**

I16 Sch. 1 para. 6 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(v)**

I17 Sch. 1 para. 6 in force at 16.1.2023 in so far as not already in force by **S.I. 2022/1401, reg. 2(d)(ii)**

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.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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

I18 Sch. 1 para. 7 not in force at Royal Assent, see **s. 67(1)**

I19 Sch. 1 para. 7 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(ii)** (with reg. 3(2))

- 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.
- (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).”

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I20 Sch. 1 para. 8 not in force at Royal Assent, see **s. 67(1)**

I21 Sch. 1 para. 8 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(iii)** (with **reg. 3(1)**)

- 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

I22 Sch. 1 para. 9 not in force at Royal Assent, see **s. 67(1)**

I23 Sch. 1 para. 9 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(iv)** (with **reg. 3(1)**)

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

Commencement Information

I24 Sch. 1 para. 10 not in force at Royal Assent, see **s. 67(1)**

I25 Sch. 1 para. 10 in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(vi)**

I26 Sch. 1 para. 10 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(v)**

- 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 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))

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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).”

Commencement Information

I27 Sch. 1 para. 11 not in force at Royal Assent, see **s. 67(1)**

I28 Sch. 1 para. 11 in force at 27.8.2022 for specified purposes by **S.I. 2022/916, reg. 2(d)(vii)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

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

I29 Sch. 1 para. 12 not in force at Royal Assent, see [s. 67\(1\)](#)

I30 Sch. 1 para. 12 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(vi\)](#)

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).”

Commencement Information

I31 Sch. 1 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)

I32 Sch. 1 para. 13 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(vi\)](#) (with [reg. 3\(1\)](#))

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—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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

I33 Sch. 1 para. 14 not in force at Royal Assent, see **s. 67(1)**

I34 Sch. 1 para. 14 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(vi)** (with **reg. 3(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);
 - (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

I35 Sch. 1 para. 15 not in force at Royal Assent, see **s. 67(1)**

I36 Sch. 1 para. 15(1) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(viii)**

I37 Sch. 1 para. 15(1)(3) in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(d)(vii)** (with **reg. 3(1)**)

I38 Sch. 1 para. 15(3) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(viii)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

I39 Sch. 1 para. 15(4) in force at 16.1.2023 by S.I. 2022/1401, reg. 2(d)(vii) (with reg. 3(1))

- 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.
- 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)”.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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) 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

I40 Sch. 1 para. 16 not in force at Royal Assent, see **s. 67(1)**

I41 Sch. 1 para. 16 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(viii)** (with **reg. 3(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
- (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)”; and
- (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 subparagraph (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

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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—

“(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

- I42** Sch. 1 para. 17 not in force at Royal Assent, see **s. 67(1)**
- I43** Sch. 1 para. 17(1) in force at 27.8.2022 for specified purposes by S.I. 2022/916, **reg. 2(d)(ix)**
- I44** Sch. 1 para. 17(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(ix)(aa)** (with reg. 3(1))
- I45** Sch. 1 para. 17(2)-(6) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(ix)(bb)** (with reg. 3(1))
- I46** Sch. 1 para. 17(7) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(d)(ix)(cc)** (with reg. 3(1))
- I47** Sch. 1 para. 17(8) in force at 27.8.2022 by S.I. 2022/916, **reg. 2(d)(ix)**
- I48** Sch. 1 para. 17(9)(10) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(ix)(dd)** (with reg. 3(1))

- 18 (1) Rule 37 (voting procedure), as it extends to England and Wales and to Scotland, is amended as follows.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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
 - (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 sub-paragraph (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.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

(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—

- (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	an Older Person’s Bus Pass
	a Disabled Person’s Bus Pass
	an Oyster 60+ card
	a Freedom Pass

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

passes funded by the Scottish Government	the National Entitlement Card
passes funded by the Welsh Government	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	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.

(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—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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

I49 Sch. 1 para. 18 not in force at Royal Assent, see [s. 67\(1\)](#)

I50 Sch. 1 para. 18 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(x\)](#) (with [reg. 3\(1\)](#))

- 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 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

I51 Sch. 1 para. 19 not in force at Royal Assent, see [s. 67\(1\)](#)

I52 Sch. 1 para. 19 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(x\)](#) (with [reg. 3\(1\)](#))

- 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—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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

I53 Sch. 1 para. 20 not in force at Royal Assent, see **s. 67(1)**

I54 Sch. 1 para. 20 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

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—

- (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

I55 Sch. 1 para. 21 not in force at Royal Assent, see **s. 67(1)**

I56 Sch. 1 para. 21 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

22 After rule 40ZA insert—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

“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.
- (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

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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

I57 Sch. 1 para. 22 not in force at Royal Assent, see **s. 67(1)**

I58 Sch. 1 para. 22 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

- 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

I59 Sch. 1 para. 23 not in force at Royal Assent, see **s. 67(1)**

I60 Sch. 1 para. 23 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(x)** (with **reg. 3(1)**)

- 24 After rule 40A insert—
- “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

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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.
- (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.”

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

- I61** Sch. 1 para. 24 not in force at Royal Assent, see [s. 67\(1\)](#)
I62 Sch. 1 para. 24 in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(x\)](#)
I63 Sch. 1 para. 24 in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(d\)\(xi\)](#)

- 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

- I64** Sch. 1 para. 25 not in force at Royal Assent, see [s. 67\(1\)](#)
I65 Sch. 1 para. 25 in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(d\)\(xii\)](#) (with [reg. 3\(1\)](#))

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

- I66** Sch. 1 para. 26 not in force at Royal Assent, see [s. 67\(1\)](#)

- 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

- I67** Sch. 1 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)
I68 Sch. 1 para. 27 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

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

I69 Sch. 1 para. 28 not in force at Royal Assent, see **s. 67(1)**

I70 Sch. 1 para. 28 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xiii)** (with reg. 3(1))

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

“(1A) An order—

(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

I71 Sch. 1 para. 29 not in force at Royal Assent, see **s. 67(1)**

I72 Sch. 1 para. 29 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xiii)** (with reg. 3(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

I73 Sch. 1 para. 30 not in force at Royal Assent, see **s. 67(1)**

I74 Sch. 1 para. 30 in force at 27.8.2022 by S.I. 2022/916, **reg. 2(d)(xi)**

I75 Sch. 1 para. 30 in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(d)(xiii)** (with reg. 3(1))

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.”

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

- I76** Sch. 1 para. 31 not in force at Royal Assent, see [s. 67\(1\)](#)
I77 [Sch. 1 para. 31](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

- 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

- I78** Sch. 1 para. 32 not in force at Royal Assent, see [s. 67\(1\)](#)
I79 [Sch. 1 para. 32](#) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [reg. 2\(d\)\(xi\)](#)
I80 [Sch. 1 para. 32](#) in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiii\)](#) (with [reg. 3\(1\)](#))

- 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

- I81** Sch. 1 para. 33 not in force at Royal Assent, see [s. 67\(1\)](#)
I82 [Sch. 1 para. 33](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xiv\)](#) (with [reg. 3\(1\)](#))

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

- I83** Sch. 1 para. 34 not in force at Royal Assent, see [s. 67\(1\)](#)
I84 [Sch. 1 para. 34](#) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(d\)\(xv\)](#) (with [reg. 3\(1\)](#))

- 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

- I85** Sch. 1 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

I86 Sch. 1 para. 35 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(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

I87 Sch. 1 para. 36 not in force at Royal Assent, see **s. 67(1)**

I88 Sch. 1 para. 36 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)

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

“(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

I89 Sch. 1 para. 37 not in force at Royal Assent, see **s. 67(1)**

I90 Sch. 1 para. 37 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(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

I91 Sch. 1 para. 38 not in force at Royal Assent, see **s. 67(1)**

I92 Sch. 1 para. 38 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**

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

I93 Sch. 1 para. 39 not in force at Royal Assent, see **s. 67(1)**

I94 Sch. 1 para. 39 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**

Commencement Information

I83 Sch. 1 para. 34 not in force at Royal Assent, see **s. 67(1)**

I84 Sch. 1 para. 34 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)

I85 Sch. 1 para. 35 not in force at Royal Assent, see **s. 67(1)**

I86 Sch. 1 para. 35 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)

I87 Sch. 1 para. 36 not in force at Royal Assent, see **s. 67(1)**

I88 Sch. 1 para. 36 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)

I89 Sch. 1 para. 37 not in force at Royal Assent, see **s. 67(1)**

I90 Sch. 1 para. 37 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xv)** (with **reg. 3(1)**)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- I91** Sch. 1 para. 38 not in force at Royal Assent, see **s. 67(1)**
- I92** Sch. 1 para. 38 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**
- I93** Sch. 1 para. 39 not in force at Royal Assent, see **s. 67(1)**
- I94** Sch. 1 para. 39 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**

Consequential repeals

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

Commencement Information

- I95** Sch. 1 para. 40 not in force at Royal Assent, see **s. 67(1)**
- I96** Sch. 1 para. 40 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(d)(xvi)**

SCHEDULE 2

Section 2

POWER TO MAKE REGULATIONS ABOUT REGISTRATION, ABSENT VOTING AND OTHER MATTERS

Amendments to the Representation of the People Act 1983

- 1 In section 53 of RPA 1983 (power to make regulations as to registration etc), in subsection (1)—
- (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (b) insert—
 - “(ba) with respect to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections; and”.

Commencement Information

- I97** Sch. 2 para. 1 not in force at Royal Assent, see **s. 67(1)**
- I98** Sch. 2 para. 1 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 2 Schedule 2 to RPA 1983 (provision which may be contained in regulations as to registration etc) is amended in accordance with paragraphs 3 to 11.

Commencement Information

- I99** Sch. 2 para. 2 not in force at Royal Assent, see **s. 67(1)**
- I100** Sch. 2 para. 2 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 3 (1) Paragraph 1 is amended as follows.
- (2) In sub-paragraph (2A)—
- (a) omit “in Great Britain”;
 - (b) in paragraph (a), for “or 10ZD” substitute “, 10ZD, 13BD, 13BE or 13C”;

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (c) in the closing words, for “paragraph 3ZA(5)” substitute “paragraphs 3ZA(5) and 3A(6)”.

(3) After sub-paragraph (5) insert—

“(5A) References in this paragraph to a registration officer’s registration duties include references to—

- (a) in the case of a registration officer in Great Britain, the officer’s functions—
- (i) under sections 13BD and 13BE, and
 - (ii) in relation to applications under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than applications in relation to a local government election, or local government elections, in Scotland or Wales;
- (b) in the case of the Chief Electoral Officer for Northern Ireland, the Chief Electoral Officer’s functions—
- (i) under section 13C, and
 - (ii) in relation to applications under section 6, 7 or 8 of the Representation of the People Act 1985.”

Commencement Information

I101 Sch. 2 para. 3 not in force at Royal Assent, see **s. 67(1)**

I102 Sch. 2 para. 3 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

4 (1) Paragraph 1A is amended as follows.

- (2) In sub-paragraph (1)(a), for the words from the first “who is” to the end substitute “within sub-paragraph (1A),”.

(3) After sub-paragraph (1) insert—

“(1A) The following persons are within this sub-paragraph—

- (a) a person who is registered in a register maintained by the registration officer;
- (b) a person who is named in—
- (i) an application for registration in, or alteration of, a register,
 - (ii) an application (including a partially completed application) under section 13BD, 13BE or 13C, or
 - (iii) a relevant absent voting application.

(1B) In sub-paragraph (1A)(b)(i), the reference to an application for registration in, or alteration of, a register includes a reference to a partially completed application submitted through the UK digital service.”

(4) After sub-paragraph (5) insert—

“(6) In sub-paragraph (1), the reference to disclosing information includes, in relation to verifying information relating to a person who is named in a relevant registration application or a relevant absent voting application,

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

references to disclosing evidence provided by a person in connection with the application.

(7) In this paragraph—

(a) “relevant absent voting application” means—

- (i) an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than an application in relation to a local government election, or local government elections, in Scotland or Wales, or
- (ii) an application (including a partially completed application) under section 6, 7 or 8 of the Representation of the People Act 1985;

(b) “relevant registration application” means an application (including a partially completed application) for registration in, or alteration of—

- (i) a register of parliamentary electors, or
- (ii) a register of local government electors in England,

and includes a form (or partially completed form) in connection with a canvass under section 10;

(c) “the UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors, and the reference in sub-paragraph (1B) to an application submitted through the UK digital service is a reference to an application submitted using that service as an intermediary.

(8) A notice, including a partially completed notice, under section 8(9) of the Representation of the People Act 1985 (cancellation of proxy appointment) is to be treated as a relevant absent voting application for the purposes of this paragraph.”

Commencement Information

I103 Sch. 2 para. 4 not in force at Royal Assent, see **s. 67(1)**

I104 Sch. 2 para. 4 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

5 (1) Paragraph 3ZA is amended as follows.

(2) In sub-paragraph (1)—

- (a) for “or 10ZD” substitute “, 10ZD, 13BD or 13BE”;
- (b) in paragraph (b), after “applications” insert “and any such declarations”.

(3) After sub-paragraph (2) insert—

“(2A) Provision made under sub-paragraph (1) in relation to applications within sub-paragraph (2B) may include provision—

- (a) conferring functions on the Secretary of State to enable applications to be made in a particular manner;
- (b) authorising the Secretary of State, in prescribed circumstances, to complete applications in part for people.

(2B) The following applications are within this sub-paragraph—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (a) an application for registration in, or alteration of—
 - (i) a register of parliamentary electors,
 - (ii) a register of local government electors in England, or
 - (iii) a register of local government electors in Scotland or Wales, where the application is submitted through the UK digital service;
 - (b) an application under section 13BD or 13BE.”
- (4) After sub-paragraph (3) insert—
- “(3A) Provision requiring a person making an application under section 13BD or 13BE to provide evidence that the person is the person named in the application.”
- (5) In sub-paragraph (4), after “(3)” insert “or (3A)”.
- (6) In sub-paragraph (6), after “(3)” insert “or (3A)”.
- (7) After sub-paragraph (6) insert—
- “(7) In sub-paragraph (2B)(a)(iii), “the UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors, and the reference to an application submitted through the UK digital service is a reference to an application submitted using that service as an intermediary.”

Commencement Information

I105 Sch. 2 para. 5 not in force at Royal Assent, see **s. 67(1)**

I106 Sch. 2 para. 5 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

- 6 For paragraph 3A substitute—
- “3A (1) Provision about—
- (a) applications for registration in Northern Ireland and applications under section 13C, including in particular provision about—
 - (i) the form and contents of applications and of any declarations to be made in connection with them;
 - (ii) the manner in which applications and any such declarations are to be made;
 - (b) the manner in which forms in connection with a canvass under section 10 are to be submitted.
- (2) Provision made under sub-paragraph (1) may include provision—
- (a) conferring functions on the Secretary of State or the Chief Electoral Officer for Northern Ireland to enable applications to be made, or forms to be submitted, in a particular manner;
 - (b) conferring other functions on the Chief Electoral Officer for Northern Ireland;
 - (c) conferring functions on the Electoral Commission;
 - (d) authorising the Secretary of State or the Chief Electoral Officer for Northern Ireland, in prescribed circumstances, to complete applications or forms in part for people.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (3) Provision requiring a person making an application for registration in Northern Ireland—
 - (a) to provide evidence that the person is the person named in the application;
 - (b) to provide evidence of entitlement to be registered.
- (4) Provision requiring a person making an application under section 13C to provide evidence that the person is the person named in the application.
- (5) Provision made under sub-paragraph (3) or (4) must specify the kind of evidence that a person is required to provide.
- (6) Examples of the evidence that may be specified include a person’s date of birth or national insurance number.
- (7) Provision made under sub-paragraph (3) or (4) may require a person to provide the evidence to the Chief Electoral Officer for Northern Ireland or to some other prescribed person (or person of a prescribed description).
- (8) Provision about how any requirement for an applicant to provide a signature in connection with—
 - (a) an application for registration in Northern Ireland, or
 - (b) a form submitted in connection with a canvass under section 10, may be satisfied.”

Commencement Information

I107 Sch. 2 para. 6 not in force at Royal Assent, see **s. 67(1)**

I108 Sch. 2 para. 6 in force at 27.8.2022 by **S.I. 2022/916, art. 2(e)**

7 After paragraph 5 insert—

“5ZA (1) Provision about the manner in which relevant absent voting applications are to be made.

- (2) Provision made under sub-paragraph (1) may include provision—
 - (a) conferring functions on the Secretary of State, registration officers, or local or public authorities in Great Britain, to enable applications to be made in a particular manner;
 - (b) conferring other functions on registration officers;
 - (c) conferring functions on the Electoral Commission;
 - (d) authorising the Secretary of State or the Chief Electoral Officer for Northern Ireland, in prescribed circumstances, to complete applications in part for people.
- (3) Provision imposing requirements to be met in relation to a relevant absent voting application.
- (4) Provision about how any requirement for an applicant to provide a signature in connection with a relevant absent voting application may be satisfied.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

(5) In this paragraph “relevant absent voting application” has the same meaning as in paragraph 1A.

(6) A notice under section 8(9) of the Representation of the People Act 1985 (cancellation of proxy appointment) is to be treated as a relevant absent voting application for the purposes of this paragraph.”

Commencement Information

I109 Sch. 2 para. 7 not in force at Royal Assent, see **s. 67(1)**

I110 Sch. 2 para. 7 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

8 In paragraph 8B(1), for “or 10ZD” substitute “, 10ZD, 13BD, 13BE or 13C”.

Commencement Information

I111 Sch. 2 para. 8 not in force at Royal Assent, see **s. 67(1)**

I112 Sch. 2 para. 8 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

9 After paragraph 8B insert—

“8BA (1) Provision requiring a registration officer in Great Britain to keep records of—

- (a) applications made to the officer under sections 13BD and 13BE;
- (b) documents issued by the officer under those sections.

(2) Provision requiring the Chief Electoral Officer for Northern Ireland to keep records of—

- (a) applications made to the Chief Electoral Officer under section 13C;
- (b) electoral identity cards issued under that section.

(3) Provision made under sub-paragraph (1) or (2) may include provision about information to be shown in a record.

(4) Provision authorising or requiring a relevant registration officer—

- (a) to supply a copy of a record kept by the officer by virtue of provision made under sub-paragraph (1) or (2), or
- (b) to disclose information contained in such a record, to such persons and for such purposes as may be prescribed.

(5) In sub-paragraph (4), “relevant registration officer” means—

- (a) in relation to a record referred to in sub-paragraph (1), a registration officer in Great Britain;
- (b) in relation to a record referred to in sub-paragraph (2), the Chief Electoral Officer for Northern Ireland.”

Commencement Information

I113 Sch. 2 para. 9 not in force at Royal Assent, see **s. 67(1)**

I114 Sch. 2 para. 9 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- 10 In paragraph 8C(1)—
- (a) in paragraph (a), for “or 10A” substitute “, 10A, 13BD, 13BE or 13C”;
 - (b) in paragraph (c), after “3ZA” insert “, 3A or 8BA”.

Commencement Information

- I115** Sch. 2 para. 10 not in force at Royal Assent, see **s. 67(1)**
I116 Sch. 2 para. 10 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

- 11 In paragraph 13, after sub-paragraph (1) insert—
- “(1ZZA) References in sub-paragraph (1)(b) to a registration officer’s registration duties include references to—
- (a) in the case of a registration officer in Great Britain, the officer’s functions—
 - (i) under sections 13BD and 13BE, and
 - (ii) in relation to applications under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than applications in relation to a local government election, or local government elections, in Scotland or Wales;
 - (b) in the case of the Chief Electoral Officer for Northern Ireland, the Chief Electoral Officer’s functions—
 - (i) under section 13C, and
 - (ii) in relation to applications under section 6, 7 or 8 of the Representation of the People Act 1985.”

Commencement Information

- I117** Sch. 2 para. 11 not in force at Royal Assent, see **s. 67(1)**
I118 Sch. 2 para. 11 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

Commencement Information

- I97** Sch. 2 para. 1 not in force at Royal Assent, see **s. 67(1)**
I98 Sch. 2 para. 1 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I99 Sch. 2 para. 2 not in force at Royal Assent, see **s. 67(1)**
I100 Sch. 2 para. 2 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I101 Sch. 2 para. 3 not in force at Royal Assent, see **s. 67(1)**
I102 Sch. 2 para. 3 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I103 Sch. 2 para. 4 not in force at Royal Assent, see **s. 67(1)**
I104 Sch. 2 para. 4 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I105 Sch. 2 para. 5 not in force at Royal Assent, see **s. 67(1)**
I106 Sch. 2 para. 5 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I107 Sch. 2 para. 6 not in force at Royal Assent, see **s. 67(1)**
I108 Sch. 2 para. 6 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I109 Sch. 2 para. 7 not in force at Royal Assent, see **s. 67(1)**
I110 Sch. 2 para. 7 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
I111 Sch. 2 para. 8 not in force at Royal Assent, see **s. 67(1)**
I112 Sch. 2 para. 8 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- I113** Sch. 2 para. 9 not in force at Royal Assent, see **s. 67(1)**
- I114** Sch. 2 para. 9 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
- I115** Sch. 2 para. 10 not in force at Royal Assent, see **s. 67(1)**
- I116** Sch. 2 para. 10 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**
- I117** Sch. 2 para. 11 not in force at Royal Assent, see **s. 67(1)**
- I118** Sch. 2 para. 11 in force at 27.8.2022 by S.I. 2022/916, **art. 2(e)**

PROSPECTIVE

Power to remove signature requirements

- 12 (1) The Secretary of State may by regulations—
- (a) amend Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) by removing any requirement for an application under paragraph 3, 4 or 7 of that Schedule, other than an excluded application, to contain the applicant’s signature;
 - (b) amend section 6 or 7 of the Representation of the People Act 1985 (absent voting at parliamentary elections in Northern Ireland) by removing any requirement for an application under either of those sections to contain the applicant’s signature.
- (2) In sub-paragraph (1), “excluded application” means an application in relation to a local government election, or local government elections, in Scotland or Wales.
- (3) Regulations under sub-paragraph (1) may make—
- (a) different provision for different purposes;
 - (b) consequential, supplementary, incidental, transitional, transitory or saving provision.
- (4) The consequential provision that may be made by virtue of sub-paragraph (3)(b) includes provision amending any provision made by the Representation of the People Acts.
- (5) Regulations under sub-paragraph (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Commencement Information

- I119** Sch. 2 para. 12 not in force at Royal Assent, see **s. 67(1)**

PROSPECTIVE

Power to make provision about unique reference numbers: elections in Northern Ireland

- 13 (1) The Secretary of State may by regulations make provision about the issuing or use of unique reference numbers in connection with—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (a) applications for registration in a register of parliamentary electors, or a register of local electors, in Northern Ireland;
 - (b) applications to vote by post or proxy at parliamentary or local elections in Northern Ireland;
 - (c) a canvass under section 10 of RPA 1983 (maintenance of registers: duty to conduct canvass in Northern Ireland).
- (2) Regulations under sub-paragraph (1) may in particular make provision—
- (a) amending or repealing section 10B of RPA 1983 or any other provision made by the Representation of the People Acts about unique reference numbers allocated under that section;
 - (b) amending or repealing any provision made by the Elected Authorities (Northern Ireland) Act 1989 about such unique reference numbers;
 - (c) changing how unique reference numbers are referred to in any provision made by the Representation of the People Acts or the Elected Authorities (Northern Ireland) Act 1989.
- (3) Regulations under sub-paragraph (1) may make—
- (a) different provision for different purposes;
 - (b) consequential, supplementary, incidental, transitional, transitory or saving provision.
- (4) The consequential provision that may be made by virtue of sub-paragraph (3)(b) includes provision amending any provision made by the Representation of the People Acts or the Elected Authorities (Northern Ireland) Act 1989.
- (5) Regulations under sub-paragraph (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Commencement Information

I120 Sch. 2 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)

Consequential repeals

- 14 The following are repealed—
- (a) section 2(2) of the Elections (Northern Ireland) Act 1985;
 - (b) paragraph 24(5) of Schedule 1 to the Representation of the People Act 2000;
 - (c) paragraph 20(4) of Schedule 4 to the Electoral Registration and Administration Act 2013.

Commencement Information

I121 Sch. 2 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I122 Sch. 2 para. 14(a) in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(e\)](#) (with [reg. 3\(1\)](#))

I123 Sch. 2 para. 14(b)(c) in force at 27.8.2022 by S.I. 2022/916, [art. 2\(e\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

VALID FROM 31/10/2023

SCHEDULE 3

Section 3

RESTRICTION OF PERIOD FOR WHICH PERSON CAN APPLY FOR POSTAL VOTE

Representation of the People Act 2000

- 1 Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows.

Commencement Information

I124 Sch. 3 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

- 2 (1) Paragraph 3 (absent vote at elections for definite or indefinite period) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) in the opening words, omit “(whether for an indefinite period or for a particular period specified in his application)”;
- (b) in paragraph (b), after “requirements” insert “and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period.”
- (3) After sub-paragraph (1) insert—
- “(1A) Any grant of an application under sub-paragraph (1) to vote by post at parliamentary elections, or at local government elections in England, is to be for—
- (a) the period ending with the third 31 January following the date on which the application is granted, or
- (b) any shorter period specified in the application.
- (1B) But where the person is or will be registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, [sub-paragraph \(1A\)](#) does not apply and instead any grant of an application to vote by post at parliamentary elections is to be for—
- (a) the period ending with the 1 November until which, by virtue of [section 1D\(1\)\(a\)](#) or [\(3\)\(a\)](#) of the Representation of the People Act 1985, the person is entitled to remain registered in that register, or
- (b) any shorter period specified in the application.”
- (4) In sub-paragraph (4)—
- (a) in paragraph (a)—
- (i) omit the “and” at the end of sub-paragraph (i), and
- (ii) omit sub-paragraph (ii);
- (b) after paragraph (a) insert—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

“(aa) in the case of those who may vote by post at parliamentary elections or at local government elections in England (or both), the period for which they may do so,
 (ab) in the case of—
 (i) those who may vote by post at local government elections in Scotland or Wales, or
 (ii) those who may vote by proxy,
 whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period).”.

(5) In sub-paragraph (5)—

- (a) omit the “or” at the end of paragraph (c);
- (b) after paragraph (c) insert—

“(ca) in the case of a person shown in the record as voting by post at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post at elections of the kind in question has expired, or”;

(c) in paragraph (d)—

- (i) for “or proxy” substitute “at local government elections in Scotland or Wales”, and
- (ii) after “particular period,” insert “or who applied to vote by proxy for a particular period.”.

(6) In sub-paragraph (7)—

- (a) omit “(whether for an indefinite period or for a particular period specified in his application)”;
- (b) after “requirements” insert “and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period”.

(7) After sub-paragraph (7) insert—

“(7A) Sub-paragraph (1A) applies to an application under sub-paragraph (7) to vote by post at parliamentary elections, or at local government elections in England, as it applies to an application under sub-paragraph (1) (but this is subject to sub-paragraph (7B)).

(7B) Where an application under sub-paragraph (7) to vote by post at parliamentary elections is made by a person who is or will be entitled to be registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, sub-paragraph (1B) applies to the application as it applies to an application under sub-paragraph (1).”

(8) In the heading before paragraph 3, for “definite or indefinite” substitute “a”.

Commencement Information

I125 Sch. 3 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

3 (1) Paragraph 7 (voting as proxy) is amended as follows.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (2) In sub-paragraph (4), in paragraph (a) omit “(whether for an indefinite period or for a particular period specified in his application)”.
- (3) In sub-paragraph (5), in paragraph (c) after “requirements” insert “and, in the case of an application to vote by post as proxy at local government elections in Scotland or Wales for a particular period, specifies the period”.
- (4) After sub-paragraph (5) insert—
- “(5A) Any grant of an application under sub-paragraph (4)(a) to vote by post as proxy at parliamentary elections, or at local government elections in England, is to be for—
- (a) the period ending with the third 31 January following the date on which the application is granted, or
- (b) any shorter period specified in the application.”
- (5) In sub-paragraph (6)—
- (a) in paragraph (a)—
- (i) omit the “and” at the end of sub-paragraph (i), and
- (ii) omit sub-paragraph (ii) (including the “and” at the end);
- (b) after paragraph (a) insert—
- “(aa) in the case of those who may vote by post as proxy at parliamentary elections or at local government elections in England (or both), the period for which they may do so,
- (ab) in the case of those who may vote by post as proxy at local government elections in Scotland or Wales, whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and”.
- (6) In sub-paragraph (9)—
- (a) omit the “or” at the end of paragraph (c);
- (b) after paragraph (c) insert—
- “(ca) in the case of a person shown in the record as voting by post as proxy at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post as proxy at elections of the kind in question has expired, or”;
- (c) in paragraph (d), after “as proxy” insert “at local government elections in Scotland or Wales”.

Commencement Information

I126 Sch. 3 para. 3 not in force at Royal Assent, see **s. 67(1)**

Commencement Information

I124 Sch. 3 para. 1 not in force at Royal Assent, see **s. 67(1)**

I125 Sch. 3 para. 2 not in force at Royal Assent, see **s. 67(1)**

I126 Sch. 3 para. 3 not in force at Royal Assent, see **s. 67(1)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Transitional provision

- 4 (1) This paragraph applies where, immediately before the day specified for the purposes of [this paragraph](#) (“the specified day”), a person has a relevant postal vote entitlement lasting for—
- (a) an indefinite period, or
 - (b) a period that would expire after the end of 3 years beginning with the specified day.
- (2) A “relevant postal vote entitlement” means an entitlement, resulting from the grant of a pre-commencement application, to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both).
- (3) The person’s relevant postal vote entitlement ends on the applicable 31 January (unless it ends sooner).
- (4) “The applicable 31 January” means—
- (a) the third 31 January following the specified day, or
 - (b) if sooner, the signature refresh date.
- (5) “The signature refresh date” means the 31 January by which the registration officer would be required to send the person a regulation 60A notice (assuming no change in the person’s entitlement or entitlements to vote by post or by proxy after the specified day, and disregarding [sub-paragraph \(9\)](#)).
- (6) As soon as practicable after the specified day, the registration officer must alter the record kept under paragraph 3(4) or 7(6) of Schedule 4 to RPA 2000 (as the case may be) so as to reflect any change resulting from [sub-paragraph \(3\)](#) in the period for which the person’s relevant postal vote entitlement lasts.
- (7) The registration officer must, before the applicable 31 January, send the person—
- (a) a notice informing the person of the date on which the person’s relevant postal vote entitlement is to end, and
 - (b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy).
- (8) [Sub-paragraph \(9\)](#) applies where, as a result of [sub-paragraph \(3\)](#), a person’s relevant postal vote entitlement is to end on the signature refresh date.
- (9) Any requirement to send the person a regulation 60A notice by the signature refresh date does not apply, unless—
- (a) the person has an entitlement (or entitlements) due to continue beyond that date—
 - (i) to vote by post (whether as elector or proxy) at local government elections in Scotland or Wales,
 - (ii) to vote by proxy at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both),
 - or
 - (iii) to vote by proxy at local government elections in Scotland or Wales, and
 - (b) regulation 60A applies in relation to that entitlement (or those entitlements).

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (10) Expressions used in [this paragraph](#) and in Schedule 4 to RPA 2000 have the same meaning as in that Schedule.
- (11) This paragraph does not apply in relation to a person who is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration made at any time before the day on which section 14 comes fully into force (see instead [Part 2 of Schedule 7](#)).
- (12) In [this paragraph](#)—
- “pre-commencement application” means an application made under paragraph 3(1) or 7(4)(a) of Schedule 4 to RPA 2000 before the specified day;
 - “register of parliamentary electors” means a register of parliamentary electors maintained under section 9 of RPA 1983;
 - “regulation 60A” means regulation 60A (requirement to provide fresh signatures) of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) or the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) ([S. 2](#));
 - “regulation 60A notice” means a notice under regulation 60A;
 - “RPA 2000” means the Representation of the People Act 2000;
 - “specified” means specified by the Secretary of State in regulations made by statutory instrument.

Commencement Information

1127 Sch. 3 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 31/10/2023

SCHEDULE 4

Section 6

PROXY VOTING: LIMITS AND TRANSITIONAL PROVISION

VALID FROM 01/11/2023

SCHEDULE 5

Section 8

UNDUE INFLUENCE: FURTHER PROVISION

Local Government Act 1972

1 The Local Government Act 1972 is amended as follows.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I139 Sch. 5 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

- 2 In section 80 (disqualifications for election and holding office as member of local authority), in subsection (1), after paragraph (e) insert “; or
- (f) is incapable of being elected to or holding—
- (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section [114A](#) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);
- (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);”.

Commencement Information

I140 Sch. 5 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I139 Sch. 5 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

I140 Sch. 5 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

Local Government Act (Northern Ireland) 1972

- 3 In section 4 of the Local Government Act (Northern Ireland) 1972 (disqualifications), in subsection (1), after paragraph (e) insert—
- “(ea) the person is incapable of being elected to or holding—
- (i) the office of member of the House of Commons of the Parliament of the United Kingdom, having been reported personally guilty or convicted of a corrupt practice under section [114A](#) of the Representation of the People Act 1983, article 69 of the Police and Crime Commissioner Elections Order 2012 or regulation 136 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (undue influence);
- (ii) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section [114A](#) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001) (undue influence); or”.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

1141 Sch. 5 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

Representation of the People Act 1983

- 4 (1) RPA 1983 is amended as follows.
- (2) In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) after subsection (4A) insert—
- “(4B) Subject to section 113(2) to (6) of the Electoral Law Act (Northern Ireland) 1962, a person reported by an election court personally guilty of a corrupt practice under paragraph 3 of Schedule 9 to that Act (undue influence)—
- (a) is, during the relevant period specified in subsection (5), incapable of being elected to the House of Commons, and
- (b) if already elected to a seat in the House of Commons, must vacate the seat as from the date of the report.
- (4C) In subsection (4B) “election court” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130 of that Act); and section 94(2) of that Act (persons treated as reported personally guilty) applies also for the purposes of subsection (4B).”;
- (b) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4B)”.
- (3) In section 173 (incapacities on conviction for corrupt or illegal practice)—
- (a) after subsection (2) insert—
- “(2A) A person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence)—
- (a) is, during the relevant period specified in subsection (3), incapable of being elected to the House of Commons, and
- (b) if already elected to a seat in the House of Commons, must vacate the seat subject to and in accordance with subsections (4) and (5).”;
- (b) in subsection (3), for “subsection (1)(a)” substitute “subsections (1)(a) and (2A)(a)”;
- (c) in subsection (4), after “subsection (1)(b)” insert “or (2A)(b)”;
- (d) after subsection (7) insert—
- “(7A) If a person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence) has already been elected to a seat in the House of Commons, the person is (in addition to being subject to the incapacities mentioned in subsection (2A)(a) above and section 112(1)(a)(ii) of that Act) suspended from performing any of the functions of a Member of Parliament during the period of suspension specified in subsection (8).”;

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

(e) in subsection (8), for “subsection (7)” substitute “subsections (7) and (7A)”;

(f) after subsection (9) insert—

“(9A) Any incapacity or other requirement applying to a person by virtue of subsection (2A) or (7A) applies in addition to any punishment imposed under section 108 of the Electoral Law Act (Northern Ireland) 1962; but each of those subsections has effect subject to section 113(2) to (6) of that Act.”

Commencement Information

I142 Sch. 5 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

Greater London Authority Act 1999

5 In section 21 of the Greater London Authority Act 1999 (disqualification from being the Mayor or an Assembly member)—

(a) omit the “or” after paragraph (d);

(b) after paragraph (e) insert “; or

(f) the person is incapable of being elected to or holding—

(i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);

(ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

I143 Sch. 5 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

Local Democracy, Economic Development and Construction Act 2009

6 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas: further provision about elections), in paragraph 9(1), after paragraph (d) insert—

“(e) is incapable of being elected to or holding—

(i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) (undue influence);
- (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

I144 Sch. 5 para. 6 not in force at Royal Assent, see **s. 67(1)**

Police Reform and Social Responsibility Act 2011

- 7 In section 66 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner), in subsection (3)—
- (a) omit the “or” at the end of paragraph (c);
- (b) after paragraph (d) insert “; or
- (e) the person is incapable of being elected to or holding the office of—
- (i) member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
- (ii) member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

I145 Sch. 5 para. 7 not in force at Royal Assent, see **s. 67(1)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

SCHEDULE 6

Section 12

LOCAL ELECTIONS IN NORTHERN IRELAND AND ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

PART 1

LOCAL ELECTIONS IN NORTHERN IRELAND

Electoral Law Act (Northern Ireland) 1962

1 The Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) is amended as follows.

Commencement Information

I146 Sch. 6 para. 1 not in force at Royal Assent, see **s. 67(1)**

I147 Sch. 6 para. 1 in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(i)**

I148 Sch. 6 para. 1 in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(i)** (with **reg. 3**)

I149 Sch. 6 para. 1 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(i)** (with **reg. 3(3)**)

2 In section 96 (provisions applying to all persons reported personally guilty of a corrupt or illegal practice)—

(a) omit “or” at the end of subsection (3A)(b);

(b) after subsection (3A)(b) insert—

“(ba) a corrupt practice under paragraph 5ZA of that Schedule (handling of postal voting documents by political campaigners); or”.

Commencement Information

I150 Sch. 6 para. 2 not in force at Royal Assent, see **s. 67(1)**

3 In section 108 (penalties for corrupt practices), in subsection (4)(a)(i), for “or 4A”, in both places, substitute “, 4A or 5ZA”.

Commencement Information

I151 Sch. 6 para. 3 not in force at Royal Assent, see **s. 67(1)**

4 In section 112 (incapacities resulting from convictions for corrupt or illegal practices)

(a) omit “or” at the end of subsection (1A)(b);

(b) after subsection (1A)(b) insert—

“(ba) a corrupt practice under paragraph 5ZA of Schedule 9 (handling of postal voting documents by political campaigners); or”.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I152 Sch. 6 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

- 5 In section 114 (corrupt and illegal practices committed by agents), in subsection (1) (a), after “paragraph” insert “5ZA or”.

Commencement Information

I153 Sch. 6 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

- 6 [Schedule 5](#) (local elections rules) is amended in accordance with paragraphs [7](#) to [22](#).

Commencement Information

I154 Sch. 6 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

I155 [Sch. 6 para. 6](#) in force at 24.11.2022 for specified purposes by [S.I. 2022/1226](#), [reg. 2\(d\)\(i\)](#)

I156 [Sch. 6 para. 6](#) in force at 29.12.2022 for specified purposes by [S.I. 2022/1270](#), [reg. 2\(c\)\(i\)](#) (with [reg. 3](#))

I157 [Sch. 6 para. 6](#) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(i\)](#) (with [reg. 3\(3\)](#))

- 7 In rule 5 (nomination of candidates), for paragraph (2A) substitute—
- “(2A) If a candidate—
- (a) commonly uses a surname that is different from any other surname the candidate has,
 - (b) commonly uses a forename that is different from any other forename the candidate has, or
 - (c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate’s names are stated in accordance with paragraph (2)(a) (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),
- the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a).”

Commencement Information

I158 Sch. 6 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

- 8 In rule 12 (publication of statement of persons nominated), in paragraph (2A)—
- (a) for “in addition to another name” substitute “in accordance with rule 5(2A)”;
 - (b) for “any other name” substitute “the other surname or forename”.

Commencement Information

I159 Sch. 6 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

- 9 After rule 16A insert—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

“Date of birth lists

- 16B (1) The returning officer 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) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989);
 - (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 local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
 - (b) where the person is or will be registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the presiding officer or a clerk at each polling station to make a decision under rule 34(3)(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 or provision made by or under any other enactment—
- (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 returning officer;
 - (b) a person to whom functions are delegated by the returning officer;
 - (c) the presiding officer of the polling station;
 - (d) a clerk or other officer appointed to work at the polling station.”

Commencement Information

I160 Sch. 6 para. 9 not in force at Royal Assent, see **s. 67(1)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- 10 In rule 22 (provision of polling stations), after paragraph (4) insert—
- “(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”

Commencement Information

I161 Sch. 6 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

I162 Sch. 6 para. 10 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(f\)\(ii\)](#) (with [reg. 3\(3\)](#))

- 11 In rule 23 (appointment of presiding officers and clerks), 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 32(3) or paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37), or
 - (c) resolve doubts over identity as mentioned in paragraph (5A) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).”

Commencement Information

I163 Sch. 6 para. 11 not in force at Royal Assent, see [s. 67\(1\)](#)

I164 Sch. 6 para. 11 in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(f\)\(ii\)](#) (with [reg. 3\(3\)](#))

- 12 (1) Rule 26 (equipment of polling stations) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (e) insert—
- “(f) the lists prepared for the polling station under rule 16B.”
- (3) For paragraph (3A)(b) substitute—
- “(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently in the manner directed by rule 34 (including in relation to voting secretly).”
- (4) After paragraph (3A) insert—
- “(3B) In this rule, “relevant persons” means persons who find it difficult or impossible to vote in the manner directed by rule 34 because of—
- (a) blindness or partial sight, or
 - (b) another disability.
- (3C) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).
- (3D) Before giving guidance under paragraph (3C), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.
- (3E) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (3C).”
- (5) Omit paragraphs (5) to (10).

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

- I165** Sch. 6 para. 12 not in force at Royal Assent, see **s. 67(1)**
- I166** Sch. 6 para. 12(1) in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(ii)**
- I167** Sch. 6 para. 12(1) in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(ii)(aa)** (with reg. 3)
- I168** Sch. 6 para. 12(3) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(ii)(bb)** (with reg. 3)
- I169** Sch. 6 para. 12(4) in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(ii)**
- I170** Sch. 6 para. 12(4) in force at 29.12.2022 in so far as not already in force by S.I. 2022/1270, **reg. 2(c)(ii)(cc)** (with reg. 3)
- I171** Sch. 6 para. 12(5) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(ii)(dd)** (with reg. 3)

13 (1) Rule 32 (questions to be put to voters) is amended as follows.

(2) In paragraph (1A), after “elector” insert “or as proxy”.

(3) For paragraph (2) substitute—

“(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned in paragraph (1) above must, put the following additional question:—

(a) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of four or more electors?”

and if the person answers that question in the negative, the following question:—

(b) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of two or more electors both or all of whom are registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?”

and if the person answers that question in the affirmative, the following question:—

(c) “Is the elector (or are the electors) for whom you are voting today at this election registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?””

(4) After paragraph (2) insert—

“(2A) Where a clerk—

(a) gives a person the required information (see paragraph (6)),

(b) puts any of the questions set out in paragraphs (1) to (2) above 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.”

(5) For paragraph (3) substitute—

“(3) Where the presiding officer—

(a) gives a person the required information,

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person (whether or not following a referral under paragraph (2A)), 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.”

(6) After paragraph (5) insert—

“(6) 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

I172 Sch. 6 para. 13 not in force at Royal Assent, see **s. 67(1)**

I173 Sch. 6 para. 13(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iii)(aa)** (with **reg. 3(3)**)

I174 Sch. 6 para. 13(4)-(6) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iii)(bb)** (with **reg. 3(3)**)

- 14 (1) Rule 34 (voting procedure) is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements”.
- (3) After paragraph (2) insert—
- “(2A) The presiding officer or clerk must arrange for the voter to produce a specified 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 (3), 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 (5C)), raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
 - (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (6B)).”
- (5) In paragraph (4)—
- (a) after “decides” insert “or reasonably suspects (as the case may be)”;
 - (b) after “voter” insert “(subject to paragraph (5A))”.
- (6) In paragraph (5), after “decides” insert “or reasonably suspects (as the case may be)”.
- (7) After paragraph (5) insert—
- “(5A) There is an exception from paragraph (4) for cases within paragraph (3)
- (a) where—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (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.
- (5B) The refusal to deliver a ballot paper to a voter under paragraph (4) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (5A) apply on any further application.
- (5C) For the purposes of paragraph (3)(a)(ii), “relevant provision” means—
- (a) where the voter is registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
 - (b) where the voter is registered in a register of local government electors in Great Britain and does not also fall within subparagraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”
- (8) In paragraph (6)—
- (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 (k) insert—
 - “(ka) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;”;
 - (e) after sub-paragraph (l) insert—
 - “(m) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”
- (9) After paragraph (6A) insert—
- “(6B) In this rule, a “forged document” means a false document made to resemble a specified document.
- (6C) 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

I175 Sch. 6 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I176 Sch. 6 para. 14(1) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(iv\)\(aa\)](#) (with [reg. 3\(3\)](#))

I177 Sch. 6 para. 14(2)-(6) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(f\)\(iv\)\(bb\)](#) (with [reg. 3\(3\)](#))

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

I178 Sch. 6 para. 14(7) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iv)(cc)** (with reg. 3(3))

I179 Sch. 6 para. 14(8)(9) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iv)(dd)** (with reg. 3(3))

15 In rule 35 (votes marked by presiding officer), in paragraph (2), for the words from “reading” to the end substitute “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 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”

Commencement Information

I180 Sch. 6 para. 15 not in force at Royal Assent, see **s. 67(1)**

I181 Sch. 6 para. 15 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(v)** (with reg. 3(3))

16 (1) Rule 36 (voting by persons with disabilities) is amended as follows.

(2) In paragraph (2)(b)(i), for “is a qualified person within the meaning of this rule” substitute “is aged 18 or over”.

(3) In paragraph (2A), for the words from “reading” to the end substitute “but as if—

“(a) references to delivering a ballot paper to a voter were to granting a voter’s application, and

(b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”

(4) In paragraph (3), omit the words from “and a person” to the end.

Commencement Information

I182 Sch. 6 para. 16 not in force at Royal Assent, see **s. 67(1)**

I183 Sch. 6 para. 16(1) in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(iii)(aa)** (with reg. 3)

I184 Sch. 6 para. 16(1) in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(f)(vi)** (with reg. 3(3))

I185 Sch. 6 para. 16(2)(4) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(iii)(bb)** (with reg. 3)

I186 Sch. 6 para. 16(3) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vi)** (with reg. 3(3))

17 In rule 37 (tendered ballot papers), in paragraph (2)—

(a) for “paragraph (1)” substitute “this rule”;

(b) after “34(1)” insert “, but as if the reference in rule 34(5B) to making a further application under rule 34(1) 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”.

Commencement Information

I187 Sch. 6 para. 17 not in force at Royal Assent, see **s. 67(1)**

I188 Sch. 6 para. 17 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vii)** (with reg. 3(3))

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- 18 In rule 38 (refusal to deliver ballot paper), in paragraph (2), after “that” insert “and to rule 34(5B)”.

Commencement Information

I189 Sch. 6 para. 18 not in force at Royal Assent, see [s. 67\(1\)](#)

I190 Sch. 6 para. 18 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(f\)\(vii\)](#) (with [reg. 3\(3\)](#))

- 19 In rule 41(1) (sealing and delivery of documents etc), after sub-paragraph (da) insert—
 “(db) the lists provided to the polling station under rule 26(3)(f),”.

Commencement Information

I191 Sch. 6 para. 19 not in force at Royal Assent, see [s. 67\(1\)](#)

- 20 (1) Rule 56A (destruction of home address forms) is amended as follows.
 (2) For “each candidate’s home address form” substitute “the documents mentioned in paragraph (1A)”.
 (3) After paragraph (1) insert—
 “(1A) The documents referred to in paragraph (1) are—
 (a) each candidate’s home address form;
 (b) the lists provided to the polling station under rule 26(3)(f).”
 (4) In the heading, after “forms” insert “and date of birth lists”.

Commencement Information

I192 Sch. 6 para. 20 not in force at Royal Assent, see [s. 67\(1\)](#)

- 21 In form 1 in the Appendix of Forms (form of nomination paper), for note 3 substitute—
 “3 Where a candidate commonly uses a name or names—
 (a) that are different from the candidate’s full names as stated on the nomination paper, or
 (b) in a different way from the candidate’s full names as stated on the nomination paper,
 the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper.”

Commencement Information

I193 Sch. 6 para. 21 not in force at Royal Assent, see [s. 67\(1\)](#)

- 22 In the Appendix of Forms, in form 10 (declaration for the companion of a voter with disabilities)—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “*does not apply*” substitute “I am aged 18 or over”;
- (b) in the section of the form beginning “NOTE”, after “any person” insert “, except the elector to whom assistance is being provided.”.

Commencement Information

I194 Sch. 6 para. 22 not in force at Royal Assent, see **s. 67(1)**

I195 Sch. 6 para. 22 in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(iv)** (with **reg. 3**)

- 23 **Schedule 9** (electoral misdemeanours) is amended in accordance with paragraphs 24 to 27.

Commencement Information

I196 Sch. 6 para. 23 not in force at Royal Assent, see **s. 67(1)**

I197 Sch. 6 para. 23 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(viii)** (with **reg. 3(3)**)

- 24 For paragraph 3 substitute—

“Undue influence

- 3 (1) A person is guilty of undue influence if the person carries out an activity falling within sub-paragraph (3) for the purpose of—
- (a) inducing or compelling an elector or proxy for an elector to vote in a particular way or to refrain from voting, or
 - (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (2) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of sub-paragraph (3) on account of—
- (a) an elector or proxy for an elector having voted in a particular way or refrained from voting, or
 - (b) P assuming an elector or proxy for an elector to have voted in a particular way or to have refrained from voting.
- (3) The following activities fall within this sub-paragraph—
- (a) using or threatening to use violence against a person;
 - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
 - (c) damaging or threatening to damage a person’s reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
 - (f) doing any other act designed to intimidate a person;
 - (g) doing any act designed to deceive a person in relation to the administration of an election.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (4) For the purposes of sub-paragraphs (1) and (2) an activity is carried out by a person (“P”) if it is carried out—
- (a) by P,
 - (b) by P jointly with one or more other persons, or
 - (c) by one or more other persons on behalf of P and with P’s authority or consent.”

Commencement Information

I198 Sch. 6 para. 24 not in force at Royal Assent, see [s. 67\(1\)](#)

25 After paragraph 5 insert—

“Handling of postal voting documents by political campaigners

- 5ZA (1) A person who is a political campaigner in respect of a local election is guilty of a corrupt practice if the person handles a postal voting document that has been issued to another person for use in that election.
- (2) But a person who handles a postal voting document for use in a local election is not guilty of a corrupt practice if—
- (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
 - (b) the person is engaged in the business of a postal operator, or
 - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building,
- and the handling is consistent with the person’s duties in that capacity.
- (3) Nor is a person guilty of a corrupt practice if the person—
- (a) is the other person’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
 - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the corrupt practice to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a local election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (4), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) For the purposes of this paragraph a person is a political campaigner in respect of a local election if any of the following paragraphs applies—
- (a) the person is a candidate at the election;
 - (b) the person is an election agent of a candidate at the election;

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (c) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person's activities as a candidate;
- (d) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
- (e) the person is employed or engaged by a registered political party in connection with the party's political activities;
- (f) the person is employed or engaged by a person within any of paragraphs (a) to (e) to carry on an activity designed to promote a particular outcome at the election;
- (g) the person is employed or engaged by a person within paragraph (f) to carry on an activity designed to promote a particular outcome at the election.

(7) In this paragraph—

“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);

“postal voting document” means a postal ballot paper, declaration of identity or envelope that has been issued to a person by the returning officer for the purpose of enabling the person to vote by post at a local election;

“registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

(8) For the purposes of this paragraph, an envelope—

- (a) that is not a postal voting document, but
- (b) that contains a postal ballot paper or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a local election,

is to be treated as if it were a postal voting document that has been issued to the person for use in the election.

(9) In this paragraph, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.

(10) For the purposes of sub-paragraph (3)(a), two people living together as if spouses of each other are treated as if they were spouses or civil partners of each other.”

Commencement Information

1199 Sch. 6 para. 25 not in force at Royal Assent, see [s. 67\(1\)](#)

26 (1) Paragraph 12A (illegal practices: voting offences) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) A person (“P”) is guilty of an illegal practice if P applies for the appointment of a proxy to vote for P—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (a) at a local election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for four or more other electors;
 - (b) at a local election where—
 - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification;
 - (c) at local elections, where P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for four or more other electors;
 - (d) at local elections, where—
 - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification.”
- (3) For sub-paragraph (4) substitute—
- “(4) A person is also guilty of an illegal practice if the person votes as proxy—
- (a) for more than four electors—
 - (i) at a local election, or
 - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together;
 - (b) for more than two electors—
 - (i) at a local election, or
 - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together,
 where the person knows that more than two of those electors are registered in a register of local electors otherwise than by virtue of a service qualification.”
- (4) In sub-paragraph (6), after “deemed to have voted” insert “(but see sub-paragraph (6A))”.
- (5) After sub-paragraph (6) insert—
- “(6A) For the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (2)(a)(i) or (3)(a)(i), 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.”

Commencement Information

I200 Sch. 6 para. 26 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

I201 Sch. 6 para. 26(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(ix)(aa)** (with reg. 3(3))

I202 Sch. 6 para. 26(4)(5) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(ix)(bb)** (with reg. 3(3))

- 27 (1) Paragraph 27 (requirement of secrecy) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) omit “or” at the end of paragraph (d), and
- (b) omit paragraph (e).
- (3) After sub-paragraph (3) insert—
- “(3A) A person is guilty of an electoral offence if the person—
- (a) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a local election;
- (b) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a local election;
- (c) obtains or attempts to obtain information, in the circumstances mentioned in sub-paragraph (3B), as to the candidate for whom a person voting by post at a local election (“V”) is about to vote or has voted; or
- (d) communicates at any time to any other person information obtained in contravention of paragraph (c).
- (3B) The circumstances referred to in sub-paragraph (3A)(c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.
- (3C) But—
- (a) a person (“E”) who is voting by proxy is not guilty of the offence under sub-paragraph (3A) if E obtains or attempts to obtain from the person appointed as E’s proxy information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to E’s vote, and
- (b) a person who is appointed as proxy for an elector is not guilty of the offence under sub-paragraph (3A) if the person communicates to that elector information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to that elector’s vote.
- (3D) Sub-paragraph (3A)(c) and (d) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—
- (a) a published statement relating to the way in which voters intend to vote or have voted at the election, or
- (b) a published forecast as to the result of that election which is based on information given by voters.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (3E) In sub-paragraph (3D)—
- (a) “forecast” includes estimate;
 - (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;
 - (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.
- (3F) A person voting as proxy for an elector at a local election is guilty of an electoral offence if the person—
- (a) communicates at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector; or
 - (b) except for some purpose authorised by law, communicates at any time to any person other than that elector any information as to the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.”
- (4) After sub-paragraph (4) insert—
- “(5) A person who has undertaken to assist a relevant voter to vote at a local election is guilty of an electoral offence if the person communicates at any time to any person except that voter any information as to—
- (a) the candidate for whom the voter intends to vote or has voted, or
 - (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.
- (6) In sub-paragraph (5) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

Commencement Information

I203 Sch. 6 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I146 Sch. 6 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)
I147 Sch. 6 para. 1 in force at 24.11.2022 for specified purposes by [S.I. 2022/1226](#), [reg. 2\(d\)\(i\)](#)
I148 Sch. 6 para. 1 in force at 29.12.2022 for specified purposes by [S.I. 2022/1270](#), [reg. 2\(c\)\(i\)](#) (with [reg. 3](#))
I149 Sch. 6 para. 1 in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(i\)](#) (with [reg. 3\(3\)](#))
I150 Sch. 6 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)
I151 Sch. 6 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)
I152 Sch. 6 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)
I153 Sch. 6 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)
I154 Sch. 6 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)
I155 Sch. 6 para. 6 in force at 24.11.2022 for specified purposes by [S.I. 2022/1226](#), [reg. 2\(d\)\(i\)](#)
I156 Sch. 6 para. 6 in force at 29.12.2022 for specified purposes by [S.I. 2022/1270](#), [reg. 2\(c\)\(i\)](#) (with [reg. 3](#))
I157 Sch. 6 para. 6 in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(i\)](#) (with [reg. 3\(3\)](#))
I158 Sch. 6 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)
I159 Sch. 6 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- I160 Sch. 6 para. 9 not in force at Royal Assent, see **s. 67(1)**
- I161 Sch. 6 para. 10 not in force at Royal Assent, see **s. 67(1)**
- I162 Sch. 6 para. 10 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(ii)** (with reg. 3(3))
- I163 Sch. 6 para. 11 not in force at Royal Assent, see **s. 67(1)**
- I164 Sch. 6 para. 11 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(ii)** (with reg. 3(3))
- I165 Sch. 6 para. 12 not in force at Royal Assent, see **s. 67(1)**
- I166 Sch. 6 para. 12(1) in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(ii)**
- I167 Sch. 6 para. 12(1) in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(ii)(aa)** (with reg. 3)
- I168 Sch. 6 para. 12(3) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(ii)(bb)** (with reg. 3)
- I169 Sch. 6 para. 12(4) in force at 24.11.2022 for specified purposes by S.I. 2022/1226, **reg. 2(d)(ii)**
- I170 Sch. 6 para. 12(4) in force at 29.12.2022 in so far as not already in force by S.I. 2022/1270, **reg. 2(c)(ii)(cc)** (with reg. 3)
- I171 Sch. 6 para. 12(5) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(ii)(dd)** (with reg. 3)
- I172 Sch. 6 para. 13 not in force at Royal Assent, see **s. 67(1)**
- I173 Sch. 6 para. 13(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iii)(aa)** (with reg. 3(3))
- I174 Sch. 6 para. 13(4)-(6) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iii)(bb)** (with reg. 3(3))
- I175 Sch. 6 para. 14 not in force at Royal Assent, see **s. 67(1)**
- I176 Sch. 6 para. 14(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iv)(aa)** (with reg. 3(3))
- I177 Sch. 6 para. 14(2)-(6) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iv)(bb)** (with reg. 3(3))
- I178 Sch. 6 para. 14(7) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(iv)(cc)** (with reg. 3(3))
- I179 Sch. 6 para. 14(8)(9) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(iv)(dd)** (with reg. 3(3))
- I180 Sch. 6 para. 15 not in force at Royal Assent, see **s. 67(1)**
- I181 Sch. 6 para. 15 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(v)** (with reg. 3(3))
- I182 Sch. 6 para. 16 not in force at Royal Assent, see **s. 67(1)**
- I183 Sch. 6 para. 16(1) in force at 29.12.2022 for specified purposes by S.I. 2022/1270, **reg. 2(c)(iii)(aa)** (with reg. 3)
- I184 Sch. 6 para. 16(1) in force at 16.1.2023 in so far as not already in force by S.I. 2022/1401, **reg. 2(f)(vi)** (with reg. 3(3))
- I185 Sch. 6 para. 16(2)(4) in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(iii)(bb)** (with reg. 3)
- I186 Sch. 6 para. 16(3) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vi)** (with reg. 3(3))
- I187 Sch. 6 para. 17 not in force at Royal Assent, see **s. 67(1)**
- I188 Sch. 6 para. 17 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vii)** (with reg. 3(3))
- I189 Sch. 6 para. 18 not in force at Royal Assent, see **s. 67(1)**
- I190 Sch. 6 para. 18 in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(vii)** (with reg. 3(3))
- I191 Sch. 6 para. 19 not in force at Royal Assent, see **s. 67(1)**
- I192 Sch. 6 para. 20 not in force at Royal Assent, see **s. 67(1)**
- I193 Sch. 6 para. 21 not in force at Royal Assent, see **s. 67(1)**
- I194 Sch. 6 para. 22 not in force at Royal Assent, see **s. 67(1)**
- I195 Sch. 6 para. 22 in force at 29.12.2022 by S.I. 2022/1270, **reg. 2(c)(iv)** (with reg. 3)
- I196 Sch. 6 para. 23 not in force at Royal Assent, see **s. 67(1)**
- I197 Sch. 6 para. 23 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(viii)** (with reg. 3(3))
- I198 Sch. 6 para. 24 not in force at Royal Assent, see **s. 67(1)**
- I199 Sch. 6 para. 25 not in force at Royal Assent, see **s. 67(1)**
- I200 Sch. 6 para. 26 not in force at Royal Assent, see **s. 67(1)**
- I201 Sch. 6 para. 26(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, **reg. 2(f)(ix)(aa)** (with reg. 3(3))
- I202 Sch. 6 para. 26(4)(5) in force at 16.1.2023 by S.I. 2022/1401, **reg. 2(f)(ix)(bb)** (with reg. 3(3))

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

I203 Sch. 6 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 31/10/2023

Local Elections (Northern Ireland) Order 1985

28 (1) In Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 ([S.I. 1985/454](#)), paragraph 3 (proxies at local elections) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) A person is not capable of being appointed to vote, or voting, as proxy at a local election unless the person is or will be registered in—

- (a) a register of local electors in Northern Ireland, or
- (b) a register of local government electors in Great Britain maintained under section 9 of the 1983 Act.”

(3) In sub-paragraph (2)—

- (a) omit the “or” at the end of paragraph (a);
- (b) omit paragraph (b).

(4) For sub-paragraph (4) substitute—

“(4) A person—

- (a) is not entitled to vote as proxy at a local election on behalf of more than two electors who do not fall within sub-paragraph (4A), but
- (b) subject to paragraph (a), is entitled to vote as proxy at a local election on behalf of up to four electors.

(4A) An elector falls within this sub-paragraph if the elector is registered in a register of local electors in pursuance of a service declaration.

(4B) Where the polls for two or more local elections are held on the same day, references in sub-paragraph (4) to a local election are to all of those elections taken together.”

Commencement Information

I204 Sch. 6 para. 28 not in force at Royal Assent, see [s. 67\(1\)](#)

29 In paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (additional requirements for applications for appointment of a proxy), after “name” insert “, date of birth”.

Commencement Information

I205 Sch. 6 para. 29 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I204 Sch. 6 para. 28 not in force at Royal Assent, see [s. 67\(1\)](#)

I205 Sch. 6 para. 29 not in force at Royal Assent, see [s. 67\(1\)](#)

Elected Authorities (Northern Ireland) Act 1989

- 30 (1) Part 2 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (application and modification of RPA 1983 in relation to local elections in Northern Ireland) is amended as follows.
- (2) In paragraph 14, after sub-paragraph (b) insert—
“(ba) subsection (1)(ba) is omitted;”.
- (3) In paragraph 16, for “subsection (1)(c)” substitute “subsection (1)(bb) and (c)”.
- (4) For paragraph 18 substitute—
“18A In Schedule 2, references to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections are to be disregarded, and the following are omitted—
(a) in paragraph 1A—
(i) sub-paragraph (1A)(b)(iii);
(ii) in sub-paragraph (6), “or a relevant absent voting application”;
(iii) sub-paragraphs (7)(a) and (8);
(b) in paragraph 5(2), “or with his appointment as a proxy”;
(c) paragraphs 5ZA and 5A;
(d) in paragraph 13(1)(a), “or paragraph 2”.”

Commencement Information

I206 Sch. 6 para. 30 not in force at Royal Assent, see [s. 67\(1\)](#)

I207 Sch. 6 para. 30(1) in force at 27.8.2022 for specified purposes by [S.I. 2022/916](#), [art. 2\(f\)\(i\)](#)

I208 Sch. 6 para. 30(1) in force at 16.1.2023 in so far as not already in force by [S.I. 2022/1401](#), [reg. 2\(f\)\(x\)](#) (with [reg. 3\(3\)](#))

I209 Sch. 6 para. 30(2)(4) in force at 27.8.2022 by [S.I. 2022/916](#), [art. 2\(f\)\(ii\)](#)

I210 Sch. 6 para. 30(3) in force at 16.1.2023 by [S.I. 2022/1401](#), [reg. 2\(f\)\(x\)](#) (with [reg. 3\(3\)](#))

VALID FROM 31/01/2024

Elections Act 2001

- 31 (1) The Schedule to the Elections Act 2001 (modification of the local election rules for occasions where polls are combined) is amended as follows.
- (2) For paragraph 6 (Parliamentary elections rules: questions to be put to voters) substitute—
“6 In rule 35, in the table after paragraph (1), after “this” insert “parliamentary”—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (a) in entry 1, in each of paragraphs (a) and (b);
- (b) in entry 2, in each of paragraphs (a) to (e);
- (c) in entry 3, in each of paragraphs (a) to (e).”

(3) In paragraph 20 (local elections rules: questions to be put to voters), for “the second question in paragraph (2)” substitute “in each of questions (a), (b) and (c) in paragraph (2)”.

Commencement Information

I211 Sch. 6 para. 31 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 31/10/2023

Transitional provisions relating to proxy voting

- 32 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of this Schedule come into force, and
 - (b) the appointment has effect immediately before the specified day in relation to local elections in Northern Ireland or a particular local election in Northern Ireland.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (6) In this paragraph and paragraph 33—
- “the 1985 Order” means the Local Elections (Northern Ireland) Order 1985 ([S.I. 1985/454](#));
 - “local election” has the meaning given by section 130(1) of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#);

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

“proxy appointment” means an appointment of a person to vote as proxy for another person;

“relevant absent voters’ records” means—

- (a) the record kept under paragraph 1(3) of Part 1 of Schedule 2 to the 1985 Order,
- (b) the record kept under paragraph 4(5) of that Part, and
- (c) any lists kept under paragraphs 2(4) and 4(8) of that Part which have not been published under paragraph 15(6) of that Part;

“relevant provisions of this Schedule” means paragraphs 26 and 28(2);

“specified” means specified by the Secretary of State in regulations made by statutory instrument.

Commencement Information

I212 Sch. 6 para. 32 not in force at Royal Assent, see [s. 67\(1\)](#)

- 33
- (1) This paragraph applies to an application for a proxy appointment under paragraph 1 of Part 1 of Schedule 2 to the 1985 Order where the application is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”).
 - (2) The application is to be treated as not having been made.
 - (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(2\)](#) information about how to make a fresh application to vote by proxy.
 - (4) [Sub-paragraph \(2\)](#) does not apply where the application was made on or after the day on which the relevant provisions of this Schedule come into force.
 - (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).

Commencement Information

I213 Sch. 6 para. 33 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I212 Sch. 6 para. 32 not in force at Royal Assent, see [s. 67\(1\)](#)

I213 Sch. 6 para. 33 not in force at Royal Assent, see [s. 67\(1\)](#)

Consequential repeals

- 34 The following provisions are revoked—
- (a) paragraph 10 of Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 ([S.I. 1995/1948](#));

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (b) article 15(3) of the Local Elections (Northern Ireland) (Amendment) Order 2001 (S.I. 2001/417);
- (c) article 4(1)(b) of the Local Elections (Northern Ireland) (Amendment) Order 2005 (S.I. 2005/1969);
- (d) paragraph 38 of Schedule 1 to the Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977).

Commencement Information

I214 Sch. 6 para. 34 not in force at Royal Assent, see [s. 67\(1\)](#)

I215 Sch. 6 para. 34(b) in force at 29.12.2022 by S.I. 2022/1270, [reg. 2\(c\)\(v\)](#) (with [reg. 3](#))

PART 2

ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

Northern Ireland Assembly (Elections) Order 2001

- 35 Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) (application with modifications of provisions of the Representation of the People Act 1983 etc) is amended as follows.

Commencement Information

I216 Sch. 6 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

I217 Sch. 6 para. 35 in force at 29.12.2022 for specified purposes by S.I. 2022/1270, [reg. 2\(c\)\(vi\)](#) (with [reg. 3](#))

I218 Sch. 6 para. 35 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))

- 36 In the table, in the right-hand column of the entry for section 61 of RPA 1983 (other voting offences), after the modifications relating to subsection (1) of that section insert—

“In subsection (1A)(a) and (b)(ii)
omit the words “, or at parliamentary
elections,”.

Omit subsection (1A)(e) and (f)”

Commencement Information

I219 Sch. 6 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)

- 37 In the table, after the entry for section 112 of RPA 1983 insert—

“Section 112A (handling of postal
voting documents by political
campaigners)

In subsection (8), in the definition of
“postal voting document”, omit “postal
voting statement.”.”

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I220 Sch. 6 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

38 In the table, for the entry relating to section 115 of RPA 1983 substitute—

“Section 114A (undue influence)”

Commencement Information

I221 Sch. 6 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

39 In the table, after the entry for rule 19A of Schedule 1 to RPA 1983 insert—

“Rule 19B (preparation of date of birth lists)”	In paragraph (1A)(b), for the words “register of parliamentary electors in Great Britain” substitute “register of local government electors in Great Britain”.
---	--

Commencement Information

I222 Sch. 6 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

40 The entries in the right-hand column of the table in relation to Schedule 1 to RPA 1983 (Parliamentary elections rules) are amended in accordance with paragraphs 41 to 43.

Commencement Information

I223 Sch. 6 para. 40 not in force at Royal Assent, see [s. 67\(1\)](#)

I224 [Sch. 6 para. 40](#) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))

41 In the entry for rule 31 (notification of requirement of secrecy), omit the words in the right-hand column.

Commencement Information

I225 Sch. 6 para. 41 not in force at Royal Assent, see [s. 67\(1\)](#)

42 In the entry for rule 37 (voting procedure), before the paragraph beginning “In paragraph (1E)(b)” insert—

“In paragraph (1DC), for sub-paragraph (b) substitute—
“(b) where the voter is registered in a register of local government electors in Great

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or section 8(7) of the Representation of the People Act 1985.”

Commencement Information

I226 Sch. 6 para. 42 not in force at Royal Assent, see [s. 67\(1\)](#)

- 43 Against the entry for rule 38 (votes marked by presiding officer), after the paragraph beginning “In paragraph (1)” insert—

“In paragraph (1A), for “vote to be marked on a ballot paper” substitute “ballot paper to be marked”.”

Commencement Information

I227 Sch. 6 para. 43 not in force at Royal Assent, see [s. 67\(1\)](#)

I228 Sch. 6 para. 43 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(f\)\(xii\)](#) (with [reg. 3\(1\)](#))

- 44 In the table, after the entry for rule 53A of Schedule 1 to RPA 1983 insert—

“Rule 53B (destruction of date of birth lists)”

Commencement Information

I229 Sch. 6 para. 44 not in force at Royal Assent, see [s. 67\(1\)](#)

- 45 In the entry for section 8 of the Representation of the People Act 1985 (proxies at elections), in the right-hand column—

(a) before the entry relating to subsection (3)(b) of that section insert—

“In subsection (2A), for “register of parliamentary electors in Great Britain or Northern Ireland” substitute “register of local government electors in Great Britain or a register of local electors in Northern Ireland”;

(b) after the entry relating to subsection (6) of that section insert—

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

“In subsection (7A), for “subsections (6) and” substitute “subsection”.”

Commencement Information

I230 Sch. 6 para. 45 not in force at Royal Assent, see [s. 67\(1\)](#)

- 46 In the Annex, in the form of declaration to be made by the companion of a voter with disabilities—
- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “*does not apply*” substitute “I am aged 18 or over”;
 - (b) in the section of the form beginning “NOTE”, after “any person” insert “except the elector to whom assistance is being provided”.

Commencement Information

I231 Sch. 6 para. 46 not in force at Royal Assent, see [s. 67\(1\)](#)

I232 Sch. 6 para. 46 in force at 29.12.2022 by S.I. 2022/1270, [reg. 2\(c\)\(vii\)](#) (with [reg. 3](#))

Commencement Information

I216 Sch. 6 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)

I217 Sch. 6 para. 35 in force at 29.12.2022 for specified purposes by S.I. 2022/1270, [reg. 2\(c\)\(vi\)](#) (with [reg. 3](#))

I218 Sch. 6 para. 35 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))

I219 Sch. 6 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)

I220 Sch. 6 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

I221 Sch. 6 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

I222 Sch. 6 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

I223 Sch. 6 para. 40 not in force at Royal Assent, see [s. 67\(1\)](#)

I224 Sch. 6 para. 40 in force at 16.1.2023 for specified purposes by S.I. 2022/1401, [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))

I225 Sch. 6 para. 41 not in force at Royal Assent, see [s. 67\(1\)](#)

I226 Sch. 6 para. 42 not in force at Royal Assent, see [s. 67\(1\)](#)

I227 Sch. 6 para. 43 not in force at Royal Assent, see [s. 67\(1\)](#)

I228 Sch. 6 para. 43 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(f\)\(xii\)](#) (with [reg. 3\(1\)](#))

I229 Sch. 6 para. 44 not in force at Royal Assent, see [s. 67\(1\)](#)

I230 Sch. 6 para. 45 not in force at Royal Assent, see [s. 67\(1\)](#)

I231 Sch. 6 para. 46 not in force at Royal Assent, see [s. 67\(1\)](#)

I232 Sch. 6 para. 46 in force at 29.12.2022 by S.I. 2022/1270, [reg. 2\(c\)\(vii\)](#) (with [reg. 3](#))

VALID FROM 31/10/2023

Transitional provisions relating to proxy voting

- 47 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of [Schedule 4](#) come into force, and

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (b) the appointment has effect immediately before the specified day in relation to Assembly elections or a particular Assembly election.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters' records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of [Schedule 4](#) come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).
- (6) In this paragraph and paragraph 48—
- “Assembly election” means an election to the Northern Ireland Assembly;
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
- “relevant absent voters' records” means any lists prepared under sections 7(4) and 9(9) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (as so applied);
- “relevant provisions of Schedule 4” means paragraphs [2\(2\)](#) and [6\(2\)](#) of [Schedule 4](#);
- “specified” means specified by the Secretary of State in regulations made by statutory instrument.

Commencement Information

I233 Sch. 6 para. 47 not in force at Royal Assent, see [s. 67\(1\)](#)

- 48 (1) This paragraph applies to an application for a proxy appointment under section 7(1) or (2)(b) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”).
- (2) The application is to be treated as not having been made.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(2\)](#) information about how to make a fresh application to vote by proxy.
- (4) [Sub-paragraph \(2\)](#) does not apply where the application was made on or after the day on which the relevant provisions of [Schedule 4](#) come into force.
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).

Commencement Information

I234 Sch. 6 para. 48 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I233 Sch. 6 para. 47 not in force at Royal Assent, see [s. 67\(1\)](#)

I234 Sch. 6 para. 48 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 06/02/2023

SCHEDULE 7

Section 14

OVERSEAS ELECTORS

VALID FROM 31/10/2023

SCHEDULE 8

Section 15

VOTING AND CANDIDACY RIGHTS OF EU CITIZENS

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

VALID FROM 01/11/2023

SCHEDULE 9

Section 30

OFFENCES FOR PURPOSES OF PART 5

VALID FROM 01/11/2023

SCHEDULE 10

Section 38

DISQUALIFICATION ORDERS: MINOR AND CONSEQUENTIAL AMENDMENTS

Electoral Law Act (Northern Ireland) 1962

- 1 (1) Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules) is amended as follows.
- (2) In rule 10(2) (validity of nomination papers), after sub-paragraph (b) insert—
- “(c) that an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc) has effect in relation to the candidate.”
- (3) In the Appendix of Forms, in form 2 (consent to nomination), after “printed overleaf” insert “, or by reason of an order under section 30 of the Elections Act 2022”.

Commencement Information

I320 Sch. 10 para. 1 not in force at Royal Assent, see s. 67(1)

Local Government Act 1972

- 2 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 85(3A) (vacation of office by failure to attend meetings), after “2000” insert “, or suspended under section 31(4) of the Elections Act 2022”.
- (3) In section 86 (declaration by local authority of vacancy), in subsection (1)(b), after “1983” insert “, or by virtue of an order under section 30 of the Elections Act 2022”.
- (4) In section 87 (date of casual vacancies)—
- (a) in subsection (1), before paragraph (e) insert—
- “(db) in the case of a disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

office is vacated in accordance with section 31 of that Act (vacation of office etc);”;

(b) after subsection (1) insert—

“(1A) In a case where subsection (1)(db) and one or both of subsections (1)(d) and (1)(da) apply in relation to a vacancy, the vacancy is to be deemed to have occurred on the date mentioned in subsection (1)(db).”

Commencement Information

I321 Sch. 10 para. 2 not in force at Royal Assent, see s. 67(1)

Local Government Act (Northern Ireland) 1972

3 (1) The Local Government Act (Northern Ireland) 1972 is amended as follows.

(2) In section 9(4) (vacation of office on account of non-attendance), after “2014” insert “, or suspended under section 31(4) of the Elections Act 2022”.

(3) In section 10 (declaration of vacancy in office)—

- (a) the existing text becomes subsection (1);
- (b) in paragraph (a) of that subsection, after “illegal practices” insert “, or of an order under section 30 of the Elections Act 2022”;
- (c) after that subsection insert—

“(2) Where a councillor becomes disqualified for being a councillor by reason of both—

- (a) an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), and
- (b) section 4(1)(cc) (disqualification by reason of imprisonment etc for an offence),

section 31 of the Elections Act 2022 (vacation of office) applies in relation to the vacation of the office (and accordingly subsection (1) does not apply).”

Commencement Information

I322 Sch. 10 para. 3 not in force at Royal Assent, see s. 67(1)

Representation of the People Act 1983

4 (1) Schedule 1 to RPA 1983 (parliamentary election rules) is amended as follows.

(2) In rule 12(2)(c) (validity of nomination), after “1981” insert “or by virtue of an order under section 30 of the Elections Act 2022”.

Commencement Information

I323 Sch. 10 para. 4 not in force at Royal Assent, see s. 67(1)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Northern Ireland Act 1998

- 5 (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 37(4) (effect of disqualification)—
- (a) after “etc” insert “and section 31 of the Elections Act 2022 (disqualification of offenders for holding elective office etc)”;
 - (b) for “that section” substitute “either of those sections”.

Commencement Information

I324 Sch. 10 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

Greater London Authority Act 1999

- 6 (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 6(5) (Assembly members: failure to attend meetings), after “2000” insert “, or suspended under section 31(4) of the Elections Act 2022,”.
- (3) In section 7(b) (Assembly members: declaration of vacancy in certain cases), after sub-paragraph (ia) insert—
- “(ib) by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc),”.
- (4) In section 9 (Assembly members: date of casual vacancies)—
- (a) in subsection (1), after paragraph (f) insert—
 - “(fa) in the case of disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 31 of that Act (vacation of office etc),”;
 - (b) after subsection (1) insert—
 - “(1A) In a case where subsection (1)(fa) and (f) (in the case of a conviction) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(fa).”
- (5) In section 13(2) (Mayor: failure to attend meetings), after “2000” insert “, or suspended under section 31(4) of the Elections Act 2022,”.
- (6) In section 14(b) (Mayor: declaration of vacancy in certain cases), after sub-paragraph (ia) insert—
- “(ib) by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc),”.

Commencement Information

I325 Sch. 10 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Government of Wales Act 2006

- 7 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 18 (effect of disqualification)—
- (a) in subsection (5), before paragraph (b) insert—
- “(aa) section 31 of the Elections Act 2022 (disqualification of offenders for holding elective office etc);”;
- (b) in subsection (6), for “the provision” substitute “either of the provisions”.
- (3) In Part 1 of Schedule 1A (categories of persons disqualified), after paragraph 6 insert—

“Persons subject to a disqualification order

- 6A A person subject to a disqualification order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc).”

Commencement Information

I326 Sch. 10 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

Armed Forces Act 2006

- 8 (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 236 insert—

“Disqualification of offenders for holding elective office etc

236A Disqualification orders

- (1) This section applies where—
- (a) a person (“the offender”) is convicted of a qualifying section 42 offence by a court,
- (b) the offender was aged 18 or over when the offence was committed, and
- (c) the court is satisfied beyond reasonable doubt that the offence is aggravated by hostility related to persons falling within any of sections 32 to 34 of the Elections Act 2022.
- (2) The court must, when dealing with the offender for the offence, also make an order (a “disqualification order”) that the offender is disqualified, for the period of 5 years beginning with the date on which the order is made—
- (a) for being nominated for election to a relevant elective office, and
- (b) for being elected to or holding a relevant elective office.
- (3) Subsection (2) does not apply where the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to make the order; and in

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

such a case the court must state in open court the reasons for not making the order.

- (4) For the purposes of this section an offence is aggravated by hostility related to persons falling within any of sections 32 to 34 of the Elections Act 2022 if—
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim being (or being presumed to be) a person falling within any of those sections, or
 - (b) the offence was motivated (wholly or partly) by hostility towards persons falling within any of those sections in their capacity as such.
- (5) For the purposes of subsection (4) it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- (6) For the purpose of deciding whether to make a disqualification order the court may consider evidence led by the parties to the proceedings.
- (7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.
- (8) Where a qualifying section 42 offence is found to have been committed—
- (a) over a period of 2 or more days, or
 - (b) at some time during a period of 2 or more days,
- it is to be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.
- (9) For the purposes of any appeal against a disqualification order—
- (a) references in section 141 to a finding or punishment include the making of a disqualification order;
 - (b) references in section 16A of the Court Martial Appeals Act 1968 to passing a sentence include making a disqualification order.
- (10) In this section—
- “court” means the court or officer sentencing the offender;
 - “presumed” means presumed by the offender;
 - “qualifying section 42 offence” means an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is an offence listed in [Schedule 9](#) to the Elections Act 2022;
 - “relevant elective office” has the same meaning as in Part 5 of the Elections Act 2022 (see section 37 of that Act).

236B Effect of disqualification order

References (however expressed) in any enactment to an order under section 30 of the Elections Act 2022 include references to an order under section [236A](#).”

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I327 Sch. 10 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

Police Reform and Social Responsibility Act 2011

- 9 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 59 (date of vacancy in office of commissioner)—
- (a) in subsection (1), after paragraph (d) insert—
- “(e) in the case of disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 31 of that Act (vacation of office etc).”;
- (b) after subsection (2) insert—
- “(2A) In a case where subsection (1)(e) and (d) (in the case of a disqualification by virtue of section 66(3)(c)) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(e).”

Commencement Information

I328 Sch. 10 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

Sentencing Act 2020

- 10 (1) The Sentencing Act 2020 is amended as follows.
- (2) In section 379(1) (other behaviour orders etc), after the entry for the Psychoactive Substances Act 2016 insert—

“Elections Act 2022

section 30	disqualification order	Schedule 9 offence within the meaning of section 30 of that Act.”
------------	------------------------	---

Commencement Information

I329 Sch. 10 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

VALID FROM 01/11/2023

SCHEDULE 11

Section 48

ILLEGAL PRACTICES

Candidates etc at parliamentary, Northern Ireland Assembly and local elections

- 1 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is—
 - (i) a parliamentary election,
 - (ii) an election to the Northern Ireland Assembly,
 - (iii) a local government election within the meaning of section 191 or 203 of RPA 1983,
 - (iv) an election under Part 1A or 2 of the Local Government Act 2000 for the return of an elected mayor, or
 - (v) an election for the return of a mayor for the area of a combined authority, and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110(12) (details to appear on election publications) of that Act.
- (4) In sub-paragraph (3) references to RPA 1983 include references to that Act—
- (a) as it applies in relation to elections to the Northern Ireland Assembly by virtue of the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599),
 - (b) as it applies in relation to an election under Part 1A or 2 of the Local Government Act 2000 for the return of an elected mayor by virtue of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), and
 - (c) as it applies in relation to an election for the return of a mayor for the area of a combined authority by virtue of the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67).
- (5) In this paragraph “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I330 Sch. 11 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates etc at elections to the Scottish Parliament

- 2 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election to the Scottish Parliament, or an election agent of such a candidate, would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Scottish Parliament (Elections etc.) Order 2015 ([S.S.I. 2015/425](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 72(12) of that Order (details to appear on election publications).

Commencement Information

I331 Sch. 11 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates etc at elections to Senedd Cymru

- 3 (1) This paragraph applies if—
- (a) apart from this paragraph—
 - (i) a constituency or individual candidate at an election to Senedd Cymru or an election agent of such a candidate, or
 - (ii) a party list candidate at an election to Senedd Cymru or the election agent of a registered party in relation to that party's list at such an election,would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The National Assembly for Wales (Representation of the People) Order 2007 ([S.I. 2007/236](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 76(12) of that Order (printer's name and address on election publications).

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (4) In this paragraph “constituency candidate”, “individual candidate” and “party list candidate” have the same meanings as in that Order (see article 2).

Commencement Information

I332 Sch. 11 para. 3 not in force at Royal Assent, see **s. 67(1)**

Candidates etc at local elections in Scotland

- 4 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is a local government election within the meaning of section 204 of RPA 1983, and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110A(14) of that Act (details to appear on election publications).

Commencement Information

I333 Sch. 11 para. 4 not in force at Royal Assent, see **s. 67(1)**

Candidates etc at local elections in Northern Ireland

- 5 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act), and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Electoral Law Act (Northern Ireland) 1962 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of paragraph 14 of Schedule 9 to that Act (electoral misdemeanours).

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Commencement Information

I334 Sch. 11 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates at police and crime commissioner elections

- 6 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election of a police and crime commissioner, or an election agent of such a candidate, would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Police and Crime Commissioner Elections Order 2012 ([S.I. 2012/1917](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 64(12) of that Order (details to appear on election publications).

Commencement Information

I335 Sch. 11 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

MPs and recall petitions

- 7 (1) This paragraph applies if—
- (a) apart from this paragraph, an MP within the meaning of the Recall of MPs Act 2015 would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within section 45(7).
- (2) The MP is instead guilty of an illegal practice.
- (3) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 ([S.I. 2016/295](#)) apply in relation to the MP and the illegal practice as they apply in relation to an MP and an illegal practice by virtue of regulation 131(9) of those regulations (details to appear on petition publications).

Commencement Information

I336 Sch. 11 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

*Status: Point in time view as at 16/01/2023.**Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)*

VALID FROM 01/11/2023

SCHEDULE 12

Section 53

SUPPLY OF INFORMATION ETC

Supply of information etc

- 1 (1) A relevant enforcer may give notice in writing to any person requiring the person to provide a relevant enforcer, or a person authorised by a relevant enforcer, with any information which—
- (a) is identified in the notice, and
 - (b) is reasonably required by a relevant enforcer for the purposes of—
 - (i) determining whether electronic material has been published in contravention of section 41, or
 - (ii) making contact with the promoter of the material or the person on behalf of whom the material has been published (and who is not the promoter).
- (2) A relevant enforcer may give notice in writing to any person requiring the person to provide a relevant enforcer, or a person authorised by a relevant enforcer, with a copy of any electronic material which—
- (a) is identified in the notice, and
 - (b) is reasonably required by a relevant enforcer for the purposes of determining whether electronic material has been published in contravention of section 41.
- (3) A person to whom a notice is given under this paragraph must comply with it within such reasonable time as is specified in the notice.
- (4) A relevant enforcer may by notice in writing withdraw or vary a notice under this paragraph at any time.

Commencement Information**I337** Sch. 12 para. 1 not in force at Royal Assent, see **s. 67(1)***Court order for disclosure of information etc*

- 2 (1) This paragraph applies if a relevant enforcer has given a notice under paragraph 1(1) requiring any information to be provided.
- (2) The High Court or (in Scotland) the Court of Session may make an information disclosure order against a person (“the respondent”) if satisfied on an application by a relevant enforcer that there is information identified in the notice under paragraph 1(1) which—
- (a) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

- (b) is reasonably required by a relevant enforcer for a purpose within paragraph 1(1)(b), and
- (c) the respondent is able to provide.

(3) An information disclosure order is an order requiring the respondent to provide to a relevant enforcer, within such time as is specified in the order, such information falling within sub-paragraph (2)(b) as is identified in the order.

Commencement Information

I338 Sch. 12 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

- 3
- (1) This paragraph applies if a relevant enforcer has given a notice under paragraph 1(2) requiring any electronic material to be provided.
 - (2) The High Court or (in Scotland) the Court of Session may make an electronic material disclosure order against a person (“the respondent”) if satisfied on an application by a relevant enforcer that there is electronic material referred to in the notice under paragraph 1(2) a copy of which—
 - (a) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),
 - (b) is reasonably required by a relevant enforcer for the purposes of determining whether electronic material has been published in contravention of section 41, and
 - (c) the respondent is able to provide.
 - (3) An electronic material disclosure order is an order requiring the respondent to provide to a relevant enforcer, within such time as is specified in the order, a copy of such electronic material falling within sub-paragraph (2)(b) as is identified in the order.

Commencement Information

I339 Sch. 12 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I338 Sch. 12 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

I339 Sch. 12 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

Power to make copies and records

- 4
- A relevant enforcer, or a person authorised by a relevant enforcer, may make copies or records of any information or material provided under this Schedule.

Commencement Information

I340 Sch. 12 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Authorisation to be in writing

- 5 An authorisation of a person by a relevant enforcer under this Schedule must be in writing.

Commencement Information

I341 Sch. 12 para. 5 not in force at Royal Assent, see **s. 67(1)**

Legal professional privilege

- 6 Nothing in this Schedule requires a person to provide anything in respect of which a claim to legal professional privilege (or in Scotland to confidentiality of communications) could be maintained in legal proceedings.

Commencement Information

I342 Sch. 12 para. 6 not in force at Royal Assent, see **s. 67(1)**

Admissibility of information

- 7 (1) Information provided by a person (“P”) in compliance with a requirement imposed under this Schedule is admissible in evidence in any proceedings (as long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question).
- (2) But in criminal proceedings in which P is charged with an offence other than one to which sub-paragraph (3) applies or in proceedings within sub-paragraph (4) to which both the Commission and P are parties—
- (a) no evidence relating to the information is admissible against P, and
 - (b) no question relating to the information may be asked on behalf of the prosecution or (as the case may be) the Commission in cross-examination of P,
- unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of P.
- (3) This sub-paragraph applies to—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
 - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
 - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).
- (4) Proceedings are within this sub-paragraph if they arise out of the exercise by the Commission of any of their powers under Schedule 19C to PPERA.

Commencement Information

I343 Sch. 12 para. 7 not in force at Royal Assent, see **s. 67(1)**

Status: Point in time view as at 16/01/2023.

Changes to legislation: Elections Act 2022 is up to date with all changes known to be in force on or before 13 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)

Application of restrictions on disclosure

- 8 (1) A disclosure of information pursuant to a requirement under this Schedule does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (2) A duty imposed by virtue of this Schedule does not require a person to disclose information if to do so would contravene the data protection legislation (but in determining whether the disclosure would do so, the duty imposed by virtue of this Schedule is to be taken into account).
- (3) In sub-paragraph (2) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

Commencement Information

I344 Sch. 12 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

Meaning of “relevant enforcer”

- 9 In this Schedule “relevant enforcer” means the Electoral Commission or a constable.

Commencement Information

I345 Sch. 12 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

Status:

Point in time view as at 16/01/2023.

Changes to legislation:

Elections Act 2022 is up to date with all changes known to be in force on or before 13 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.