

2006 No. 2973

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

ABSENT VOTERS

The Absent Voting (Transitional Provisions) (England and Wales) Regulations 2006

<i>Made</i> - - - -	<i>10th November 2006</i>
<i>Laid before Parliament</i>	<i>16th November 2006</i>
<i>Coming into force</i> - -	<i>1st January 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 14(5) and (7) of the Electoral Administration Act 2006(a).

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Absent Voting (Transitional Provisions) (England and Wales) Regulations 2006 and shall come into force on 1 January 2007.

(2) In these Regulations—

“absent voter” means a person whose application under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4) of Schedule 4 has been granted prior to 1 January 2007;

“absent voting records” means any one or more of the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 or the lists kept pursuant to paragraph 5(2) or (3) or paragraph 7(8) of Schedule 4;

“Schedule 4” means Schedule 4 to the Representation of the People Act 2000(b).

(3) These Regulations extend to England and Wales only.

Requiring personal identifiers from existing absent voters

2.—(1) A registration officer must by 31 January 2007 send a notice in writing to every person who, on 1 January 2007 is an absent voter entitled to vote by post, by proxy or by post as a proxy (as the case may be) at an election for which the day of the poll will be on or after 3 May 2007.

(a) 2006 c.22.

(b) 2000 c.2. Schedule 4 was amended by sections 14, 35 and 38 of, and by Schedule 1 to, the Electoral Administration Act 2006 (c.22).

(2) The notice must require the absent voter to provide to the registration officer, within six weeks from the date of sending the notice, a specimen of his signature and his date of birth (“the required personal identifiers”) in accordance with these Regulations.

(3) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(4) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(5) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid on any such notice sent by post.

(6) A notice or copy of a notice sent to an absent voter in accordance with this regulation must be accompanied by a pre-addressed reply envelope and, in the case of any notice sent to an address within the United Kingdom, return postage shall be prepaid.

Required information to be provided to existing absent voters

3.—(1) Where a registration officer sends a notice or a copy of a notice pursuant to regulation 2, he must also provide information—

- (a) explaining how the required personal identifiers will be used and how the required personal identifiers will assist in deterring misuse of the entitlement to vote;
- (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent voter will lose his entitlement to vote by post, by proxy or by post as a proxy (as the case may be);
- (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
- (d) explaining that loss of the entitlement to vote by post, by proxy or by post as a proxy (as the case may be) under these Regulations does not prevent him from making a fresh application under Schedule 4 to be entitled to vote by post, by proxy or by post as a proxy.

(2) The notice must specify the following matters—

- (a) the types of elections or referendums in respect of which the absent voter would cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) if he does not provide the required personal identifiers;
- (b) whether the person has an entry in the absent voting records as voting by post, by proxy or by post as a proxy or in more than one capacity;
- (c) as regards an absent elector entitled to vote by post as a proxy, the name and address of each person for whom he is entitled to vote; and
- (d) the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) in the event of his failure or refusal to provide the required personal identifiers.

Determination by registration officer

4. The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with regulation 3(2)(d), determine whether the absent voter has failed or refused to provide the required personal identifiers.

5.—(1) Where the registration officer determines that an absent voter has failed or refused to provide the required personal identifiers—

- (a) if the absent voter has an entry in his absent voting records, he must remove that entry, and the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) otherwise than in pursuance of a further application made under Schedule 4;
 - (b) in the case of an absent voter whose application under paragraph 4(1) or (2) or paragraph 7(4)(b) of Schedule 4 has been granted, the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) at the particular election for which the application under paragraph 4(1) or (2) or paragraph 7(4)(b) of Schedule 4 was made, otherwise than in pursuance of a further application made under Schedule 4.
- (2) Where an absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which paragraph (1) refers—
- (a) the registration officer shall inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 to Schedule 4);
 - (b) regulation 57(4) and regulation 58 of the Representation of the People (England and Wales) Regulations 2001^(a) shall apply as if the registration officer were refusing an application under Schedule 4; and
 - (c) in the case of an absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify the elector for whom the proxy was appointed.
- (3) The registration officer shall include in the notice to be sent to an absent voter pursuant to paragraph (2), information—
- (a) explaining the effect of removal from the absent voting records (where applicable); and
 - (b) reminding the absent voter that he may make a fresh application under Schedule 4 to vote by post, by proxy or by post as a proxy (as the case may be).

Signed by authority of the Secretary of State

10th November 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) S.I. 2001/341 amended by S.I. 2006/752; there are other amending instruments but none are relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 14 of the Electoral Administration Act 2006 (c. 22). Section 14 introduces a requirement for applicants for proxy or postal voting to provide personal identifiers (a signature and date of birth). Section 14 also enables transitional regulations to be made to provide for the capture of the personal identifiers of those who are existing absent voters at the time when section 14 comes into force.

Regulation 2 requires a registration officer to send a written notice to all existing absent voters who are entitled to an absent vote at an election occurring on or after 3 May 2007, requiring that they supply him with the required personal identifiers. An absent voter will have a period of six weeks within which to respond. Where no response is received within the first three weeks, the registration officer is required to send a copy of the notice to the absent voter.

Regulation 3 specifies the information that must be included in the notice sent to existing absent voters together with the information that must be included with the notice or copy of the notice.

Regulation 4 requires a registration officer to determine whether an absent voter has failed or refused to provide the required personal identifiers.

Regulation 5 specifies the consequences of a refusal or failure to provide the required personal identifiers. An existing absent voter will cease to be entitled to vote by post, by proxy or by post as proxy and any entry relating to him in the absent voting records must be removed. The registration officer must notify the absent voter and provide him with certain information.

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