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STATUTORY INSTRUMENTS

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**2006 No. 752**

**The Representation of the People (England and Wales) (Amendment) Regulations 2006**

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Representation of the People (England and Wales) (Amendment) Regulations 2006 and shall come into force on the fourteenth day after the day on which they are made.

(2) Part 1 of these Regulations makes amendments to provisions in the Representation of the People (England and Wales) Regulations 2001(1) (“the 2001 Regulations”).

(3) Part 2 of these Regulations makes amendments to—

(a) the Local Authorities (Conduct of Referendums) (England) Regulations 2001(2) (“the Conduct of Referendums Regulations”); and

(b) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(3) (“the Mayoral Elections Regulations”)

(4) These Regulations shall not extend to Scotland or Northern Ireland.

(5) Regulations 26 and 27 shall not extend to Wales(4).

**PART 1**

**Amendments to provisions in the 2001 Regulations**

**Amendment to provision about applications for registration**

2.—(1) Regulation 26 of the 2001 Regulations shall be amended as follows.

(2) In paragraph (1)—

(a) omit sub-paragraph (f);

(b) after sub-paragraph (g) insert—

“(h) except in the case of a person applying to be registered in pursuance of an overseas elector’s declaration, the applicant’s nationality.”.

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(1) S.I. 2001/341, which was amended by S.I. 2001/1700, S.I. 2002/1871 and S.I. 2004/294.

(2) S.I. 2001/1298, which was amended by S.I. 2001/1494, 2002/521 and 2004/226.

(3) S.I. 2002/185, amended by S.I. 2004/225.

(4) Regulation 26 amends regulation 12 of the Conduct of Referendums Regulations which concern referendums held under section 27 of the Local Government Act 2000 (c. 22) (“the 2000 Act”) or by virtue of regulations or an Order made under Part II of that Act. The Conduct of Referendums Regulations only apply to England. Amendments similar to those made by regulation 26 concerning referendums held under the 2000 Act in Wales have been made by the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870 (W. 85)). For the application of the 2000 Act to Wales, see section 106.

**Amendment to provision about general requirements for applications for an absent vote**

3. In regulation 51(2)(b) of the 2001 Regulations, for “or will be registered” substitute “registered or has applied to be (or is treated as having applied to be) registered”.

**Additional provisions concerning the requirements for applications for an absent vote**

4. After regulation 51 of the 2001 Regulations insert the following—

**“Additional provision concerning the requirement that an application for an absent vote must be signed by the applicant**

**51A.** The registration officer may satisfy himself that an application for an absent vote meets the requirement in regulation 51(3) that it has been signed by the applicant by referring to any signature previously provided by the applicant to the registration officer or the returning officer.

**Additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4**

**51B.** An application under—

- (a) paragraph 4(3)(a) of Schedule 4 by a person shown as voting by post in the record kept under paragraph 3(4) of that Schedule; or
- (b) paragraph 7(7) of that Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of that Schedule,

for his ballot paper to be sent to a different address from that shown in the record shall set out why the applicant’s circumstances will be or are likely to be such that he requires his ballot paper to be sent to that address.”.

**Amendment to provision about additional requirements for applications for a proxy vote in respect of a particular election**

5.—(1) For regulation 55 of the 2001 Regulations substitute—

**“Additional requirements for applications for a proxy vote in respect of a particular election**

**55.—(1)** An application under paragraph 4(2) of Schedule 4 to vote by proxy at a particular election shall set out why the applicant’s circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Where an application under paragraph 4(2) of Schedule 4—

- (a) is made on the grounds of the applicant’s physical incapacity; and
- (b) is made after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,

the requirements of regulation 53 as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in paragraph (2) above is made, the person who attests the application shall state, in addition to those matters specified in regulation 53(4), to the best of his knowledge and belief, the date upon which the applicant became physically incapacitated.”.

**Amendment to provision about closing date for applications**

- 6.—(1) Regulation 56 of the 2001 Regulations shall be amended as follows.
- (2) In paragraph (1) for “3(6) or (7)” substitute “3(1), (6) or (7), or 7(4)”.
- (3) In paragraph (2) for “3(1) or (2), or 6(7) or 7(4)” substitute “3(2) or 6(7)”.
- (4) For paragraph (3) substitute—
- “(3) Subject to paragraph (3A), an application under paragraph 4(2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.
- (3A) Where—
- (a) an application under paragraph 4(2) of Schedule 4 is made on the grounds of the applicant’s physical incapacity; and
- (b) the applicant became physically incapacitated after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,
- the application, or an application under paragraph 6(8) of Schedule 4 made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.”
- (5) In paragraph (4) for “7(7)” substitute “4(1) or 7(7)”.

**Amendment to provision about grant or refusal of applications**

- 7.—(1) Regulation 57 of the 2001 Regulations shall be amended as follows.
- (2) In paragraph (1) and (5) of the 2001 Regulations omit “, where practicable,”.
- (3) After paragraph (4) insert—
- “(4A) Where the registration officer grants an application made under—
- (a) paragraph 4(3)(a) of Schedule 4 by a person shown as voting by post in the record kept under paragraph 3(4) of that Schedule; or
- (b) paragraph 7(7) of that Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of that Schedule,
- he shall notify the applicant of this.
- (4B) Where a person is removed from the record kept pursuant to paragraph 3(4) of Schedule 4, the registration officer shall notify him of this and the reason for it.
- (4C) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer shall notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased and the reason for it.”

**Amendment to provision about procedure on issue of postal ballot paper**

8. In regulation 72(7)(b) of the 2001 Regulations for “2001” substitute “2000”.

**Amendment to provision about spoiled postal ballot papers**

- 9.—(1) Regulation 77 of the 2001 Regulations shall be amended as follows.
- (2) For paragraphs (1) and (2) substitute—
- “(1) If a postal voter has inadvertently dealt with his postal ballot paper or declaration of identity in such a manner that it cannot be conveniently used as a ballot paper (referred

to as “a spoiled ballot paper”) or, as the case may be, a declaration of identity (referred to as “a spoiled declaration of identity”) he may return (either by hand or by post) to the returning officer the spoiled ballot paper or, as the case may be, the spoiled declaration of identity.

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the declaration of identity, whether spoiled or not;
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued, whether spoiled or not; and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph (1) or sub-paragraph (a) or (b).”.

(3) In paragraph (3)—

- (a) at the beginning insert “Subject to paragraph (3A)”; and
- (b) for “5pm on the day before the day of the poll” substitute “5pm on the day of the poll”.

(4) After paragraph (3) insert—

“(3A) Where the returning officer receives the documents referred to in paragraph (1) and, where applicable paragraph (2), after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returned the documents by hand.”.

(5) For paragraph (5) substitute—

“(5) Any postal ballot paper or declaration of identity, whether spoiled or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.”.

(6) For paragraph (7) substitute the following paragraph—

“(7) Where a postal voter applies in person—

- (a) by 5pm on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5pm on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.”.

#### **Amendment to provision about lost postal ballot papers**

**10.**—(1) Regulation 78 of the 2001 Regulations shall be amended as follows.

(2) For paragraph (1) substitute—

“(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper, or
- (b) the declaration of identity, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.”.

(3) After paragraph (2) insert—

“(2A) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall return—

- (a) the documents referred to in paragraph (1)(a) to (c); and

(b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued, which he has received and which have not been lost.

(2B) Any postal ballot paper or declaration of identity returned in accordance with paragraph (2A) shall be immediately cancelled.

(2C) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.”.

(4) In paragraph (3)—

(a) at the beginning insert “Subject to paragraph (3A)”;

(b) for “5pm on the day before the day of the poll” substitute “5pm on the day of the poll”;

(c) for sub-paragraph (b), substitute—

“(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the declaration of identity or one or more of the envelopes provided for their return.”

(5) After paragraph (3) insert—

“(3A) Where the application is received by the returning officer after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applied in person.”.

(6) For paragraph (4)(c) substitute—

“(c) where the postal voter is a proxy, his name and address.”.

(7) For paragraph (6) substitute—

“(6) Where a postal voter applies in person—

(a) by 5pm on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or

(b) after 5pm on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.”.

#### **Amendment to provision about alternative means of returning postal ballot paper or declaration of identity**

11.—(1) Regulation 79 of the 2001 Regulations shall be amended as follows.

(2) In paragraph (3) at the beginning insert “Subject to paragraph (4)”.

(3) After paragraph (3) insert—

“(4) The returning officer may collect, or cause to be collected, any postal ballot paper or declaration of identity which by virtue of paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

(5) Where the returning officer collects, or causes to be collected, any postal ballot paper or declaration of identity in accordance with paragraph (4) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.”.

**Amendment to provision about forwarding of documents**

- 12.**—(1) Regulation 91 of the 2001 Regulations shall be amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a) after “77(6)” insert “, 78(2C)”; and
  - (b) in sub-paragraph (b) omit “at a parliamentary election.”
- (3) In paragraph (5), after “Secretary of State” insert “and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day”.

**Amendment to provision about interpretation and application of Part VI of the 2001 Regulations**

- 13.**—(1) Regulation 92 of the 2001 Regulations shall be amended as follows.
- (2) In paragraph (2)—
- (a) in sub-paragraph (a) omit “and”; and
  - (b) after sub-paragraph (b) insert—
    - “(c) “relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act 1998(5), and
    - (d) “research purposes” shall be construed in accordance with section 33(1) of the Data Protection Act 1998.”
- (3) In paragraph (7)—
- (a) after “obtained” in the first place where it occurs, insert “or is entitled to obtain”;
  - (b) after “regulations”, in the first place where it occurs, insert “97(5), 97A(7),”; and
  - (c) after “109,” insert “109A(9),”.
- (4) In paragraph (10)—
- (a) after “95(2),” insert “97(6), 97A(8),”; and
  - (b) for “107(4)” substitute “107(3)”; and
  - (c) for “and 109(3)” substitute “, 109(3) and 109A(10)”.

**Amendment to provision about restriction on use of the full register, or information contained in it, supplied in accordance with enactments or obtained otherwise**

- 14.**—(1) Regulation 96 of the 2001 Regulation shall be amended as follows.
- (2) In paragraph (2) for the words “other than” to the end substitute “other than for a permitted purpose construed in accordance with paragraph (2A)”.
- (3) After paragraph (2) insert—
- “(2A) The “permitted purpose”—
    - (a) where the copy was supplied or the information obtained in pursuance of a relevant provision, means the particular purpose for which the copy was supplied or the information disclosed to the person in question pursuant to the relevant provision;
    - (b) where the copy was not supplied or the information was not disclosed in pursuance of a relevant provision—

- (i) in the case of a person to whom the copy of the full register was made available for inspection under supervision in accordance with regulations 43(1)(a), 97(2)(a) and (3), 97A(4)(a) and (b), 99(4)(a) and 109A(6)(a) and (b), does not include direct marketing within the meaning of section 11(3) of the Data Protection Act 1998; and
- (ii) in any other case, means any purpose for which the person to whom this regulation applies could have obtained a copy of the register or the information contained in it pursuant to any enactment, including these Regulations.”

**Amendment to provision about supply of free copy of full register to the British Library and restrictions on use**

- 15.**—(1) Regulation 97 of the 2001 Regulations shall be amended as follows.
- (2) In paragraph (1)—
    - (a) omit “, one printed copy of”;
    - (b) in sub-paragraph (a), at the beginning, insert “one printed copy and one data copy of”; and
    - (c) in sub-paragraph (b), at the beginning, insert “one printed copy of”.
  - (3) In paragraph (2), at the beginning, insert “Subject to paragraph (5)”.
  - (4) In paragraph (3), at the beginning, insert “Subject to paragraph (5)”.
  - (5) After paragraph (3) insert—
    - “(3A) Where a copy of the full register is made available for inspection by providing the register on a computer screen or otherwise in data form, the British Library shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—
      - (a) search it by electronic means by reference to the name of any person; or
      - (b) copy or transmit any part of that copy by electronic means.”.
  - (6) In paragraph (4), after “Library” insert “, whether a printed copy or in data form,”
  - (7) After paragraph (4) insert—
    - “(5) A person employed by the British Library is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—
      - (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
      - (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.
    - (6) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (5) may—
      - (a) supply a copy of it,
      - (b) disclose any such information, or
      - (c) make use of any such information,otherwise than for research purposes in compliance with the relevant conditions.”.

## **Supply of free copy of full register to the National Library of Wales and the National Library of Scotland and restrictions on use**

16. After regulation 97 of the 2001 Regulations insert—

### **“Supply of free copy of full register to the National Library of Wales and restrictions on use**

**97A.**—(1) Each registration officer in Wales shall supply, free of charge and on publication—

- (a) one printed copy and one data copy of any revised version of the register published under section 13(1) or (3) of the 1983 Act, and
- (b) one printed copy of any list of overseas electors,

to the National Library of Wales.

(2) Each registration officer in England shall supply, free of charge and on publication—

- (a) one copy of any revised version of the register published under section 13(1) or (3) of the 1983 Act, and
- (b) one printed copy of any list of overseas electors,

to the National Library of Wales.

(3) In paragraph (2)(a), the duty to supply is a duty to supply a data copy unless, prior to publication, the National Library of Wales has requested in writing a printed copy instead.

(4) Subject to paragraph (7), no person employed by the National Library of Wales may—

- (a) supply a copy of the full register other than to another such person or to a person using the Library to inspect it under supervision;
- (b) disclose any information contained in it (that is not contained in the edited register) otherwise than by allowing a person using the National Library of Wales to inspect it under supervision; or
- (c) make use of any such information.

(5) Where a copy of the full register is made available for inspection by providing the register on a computer screen or otherwise in data form, the National Library of Wales shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic means.

(6) A person who inspects a copy of the full register, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars included in it,

otherwise than by means of hand-written notes.

(7) A person employed by the National Library of Wales is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—

- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.



(8) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (7) may—

- (a) supply a copy of it,
- (b) disclose any such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.

### **Supply of free copy of full register to the National Library of Scotland**

**97B.** Each registration officer in England and Wales shall supply, free of charge and on publication—

- (a) one data copy of any revised version of the register published under section 13(1) or (3) of the 1983 Act; and
- (b) one printed copy of any list of overseas electors,

to the National Library of Scotland“.”

### **Amendment to provision for supply of free copy of full register etc to Office for National Statistics and restrictions on use**

**17.**—(1) Regulation 99 shall be amended as follows.

(2) In paragraph (3), at the beginning, insert “Subject to paragraph (6)”.

(3) In paragraph (4), at the beginning, insert “Subject to paragraph (6)”.

(4) After paragraph (4) insert—

“(4A) Where a copy of the full register is made available by providing the register on a computer screen or otherwise in data form, the Office shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic means.”

(5) In paragraph (5), after “full register” insert “, whether a printed copy or in data form,”

(6) After paragraph (5) insert—

“(6) A person employed by the Office is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—

- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(7) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (6) may—

- (a) supply a copy of it,
- (b) disclose any such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.”.

### **Amendment to heading to regulation 102 of the 2001 Regulations**

18.—(1) In the heading to regulation 102 of the 2001 Regulations for “108” substitute “109”.

### **Amendment to provision for supply of full register etc to certain councils and restrictions on use**

19.—(1) Regulation 107 of the 2001 Regulations shall be amended as follows.

(2) For paragraph (1) substitute—

“(1) Paragraphs (2) to (5) of this regulation apply to—

- (a) the local authority by which the registration officer was appointed, and
- (b) a local authority whose area falls wholly or partly within the registration area of that local authority, other than a parish council or community council (within the meaning of paragraph (6)).”

(3) In paragraph (2) for “all of them” substitute “so much of them as relates to the area of the local authority concerned.”

(4) In paragraph (3) for “council”, in each place where it occurs, substitute “local authority”.

(5) In paragraph (4)—

- (a) for “council”, in each place where it occurs, substitute “local authority”; and
- (b) after sub-paragraph (a) insert—

“(aa) for the purposes of a poll under section 116 (local polls) of the Local Government Act 2003(6), or”.

(6) In paragraph (5) for “section 270 of the Local Government Act 1972” substitute “section 116 of the Local Government Act 2003”.

(7) At the end of paragraph (8) insert “or for the purposes of a poll under section 116 (local polls) of the Local Government Act 2003”.

### **Amendment to provision for supply of full register etc to police forces and restrictions on use**

20.—(1) Regulation 109 of the 2001 Regulations shall be amended as follows.

(2) In the heading after “police forces” insert “and other agencies,”.

(3) In paragraph (1)—

- (a) in sub-paragraph (e) omit “and”; and
- (b) after sub-paragraph (f) insert—
  - “(g) the Security Service;
  - (h) the Government Communications Headquarters; and
  - (i) the Secret Intelligence Service.”

(4) In paragraph (3) for “purpose” to the end substitute “purposes specified in paragraph (4)”.

(5) After paragraph (3) insert—

“(4) The purposes referred to in paragraph (3) are—

- (a) in the case of the forces and organisations falling within sub-paragraphs (a) to (f) of paragraph (1)—
  - (i) the prevention and detection of crime and the enforcement of the criminal law (whether in England and Wales or elsewhere);

- (ii) the vetting of a relevant person for the purpose of safeguarding national security; and
  - (b) in the case of the organisations falling within sub-paragraphs (g) to (i) of paragraph (1), those connected with the carrying out of any of their statutory functions.
- (5) In this Regulation “relevant person” means—
- (a) a constable or officer or prospective constable or officer of the force or organisation; or
  - (b) an employee of, or applicant for employment by, the force or organisation.”.

**Provision for supply of full register to public libraries and local authority archives services, and restrictions on use**

21. After regulation 109 of the 2001 Regulations insert—

**“Supply of full register to public libraries and local authority archives service, and restrictions on use**

**109A.**—(1) A public library or a local authority archives service may request the registration officer to supply free of charge the relevant part (within the meaning of paragraph (2)) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
- (b) any notice setting out an alteration to the register published under section 13A(2) or 13B(3) of that Act;
- (c) a list of overseas electors.

(2) For the purposes of paragraph (1) the relevant part of the documents listed in that provision is so much of them as a public library or local authority archives service has been given responsibility for keeping by a library authority or local authority respectively.

- (3) Such a request shall be made in writing and shall—
- (a) specify the documents requested;
  - (b) state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication; and
  - (c) state whether a printed copy of any of the documents is requested instead of the version in data form.

(4) Unless a request has been made in advance of supply under paragraph (3)(c), the copy of a document supplied under this regulation shall be in data form.

(5) The registration officer shall supply the relevant part of the documents referred to in paragraph (1) in accordance with a request that has been duly made.

(6) Subject to paragraph (9), no person employed by the public library or the local authority archives service may—

- (a) supply a copy of the full register other than to another such person or to a person using the library or the archives service to inspect it under supervision;
- (b) disclose any information contained in it (that is not contained in the edited register) otherwise than by allowing a person using the library or the archives service to inspect it under supervision; or

(c) make use of any such information.

(7) Where a copy of the full register is made available for inspection in accordance with paragraph (6)(a) or (b) by providing the register on a computer screen or otherwise in data form, the library or the archives service shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic means.

(8) A person who inspects a copy of the full register, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(9) The public library or local authority archives service is not prohibited from supplying a copy of, or disclosing information contained in, a version of the full register where—

- (a) more than ten years have expired since that version of the register was first published in accordance with regulation 43; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(10) No person who obtains a copy of the full register or to whom information contained in it that is not contained in the edited register is disclosed under the circumstances described in paragraph (9) may—

- (a) supply a copy of it,
- (b) disclose such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.

(11) In this regulation—

“library authority” has the same meaning as in section 206 of the Local Government Act 1972(7) and section 4 of the Public Libraries and Museums Act 1964(8);

“local authority archives service” means an archives service established by—

- (a) a county council,
- (b) a county borough council,
- (c) a district council,
- (d) a London Borough council,
- (e) the Common Council of the City of London, or
- (f) the Council of the Isles of Scilly,

in exercise of its functions under the Local Government (Records) Act 1962(9);

“public library” means a library maintained by a library authority.”

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(7) 1972 c. 70, section 206 was amended by Schedule 17 to the Local Government Act 1985 (c. 51).

(8) 1964 c. 75, section 4 was amended by Schedule 30 to the Local Government Act 1972 (c. 70) and section 66 of, and Schedules 16 and 18 to, the Local Government (Wales) Act 1994 (c. 19).

(9) 1962 c. 56, section 2 was amended by section 93 of, and Schedule 18 to, the Local Government Act 1963 (c. 33), section 16 of, and Schedule 8 to, the Local Government Act 1985 (c. 51), section 66 of, and Schedule 16 to, the Local Government (Wales) Act 1994 (c. 19), S.I. 1986/148 and S.I. 1990/1765.

### **Amendment to provision for sale of full register**

22. In regulation 111(7) of the 2001 Regulations after “full register” insert “or any copy of a notice under section 13A(2) or 13B(3) of the 1983 Act”.

### **Amendment to provision for sale of full register to government departments**

23.—(1) Regulation 113 of the 2001 Regulations shall be amended as follows.

(2) In the heading after “government departments” insert “and other bodies”.

(3) In paragraph (1) for “to a government department” substitute—

“to—

- (a) a government department;
- (b) the Environment Agency;
- (c) the Financial Services Authority; or
- (d) a body not falling within sub-paragraphs (a) to (c) which carries out the vetting of any person for the purpose of safeguarding national security,

other than a force or organisation to which regulation 109(1) applies.”

(4) For paragraph (2) substitute—

“(2) For the purposes of regulation 112(3), the relevant restrictions apply—

- (a) in the case of a body falling within sub-paragraphs (a) to (c) of paragraph (1), except for the purpose of—
  - (i) the prevention and detection of crime and the enforcement of the criminal law (whether in England and Wales or elsewhere);
  - (ii) the vetting of employees and applicants for employment where such vetting is required pursuant to any enactment;
  - (iii) the vetting of any person where such vetting is for the purpose of safeguarding national security; or
  - (iv) supply and disclosure in accordance with paragraphs (3) to (6); and
- (b) in the case of a body falling within sub-paragraph (d) of paragraph (1), except for the purpose of the vetting of any person where such vetting is for the purpose of safeguarding national security.”

(5) In paragraph (3), after “government department” insert “, other than one mentioned in regulation 109(1)(g) to (i),”.

### **Amendment to provision for offences in respect of contravention of Part VI regulations**

24. For regulation 115(2) of the 2001 Regulations substitute—

“(2) Those provisions are regulations 92(9), 94(3), 95(2), 96(2), 97(2), (4) and (6), 97A(4), (6) and (8), 98(9), 99(3), (5) and (7), 100(3) and (5), 101(6), 103(3), 104(3), 105(4), 106(3), 107(3) and (8), 108(5), 109(3), 109A(6), (8) and (10), 112(4) and (5) and 113(5) and (6).”

### **Amendment to Form K: Statement as to postal ballot papers**

25.—(1) Form K in Schedule 3 to the 2001 Regulations shall be amended as follows.

(2) For “PARLIAMENTARY ELECTION” substitute “[INSERT TYPE OF ELECTION]”.

(3) For “Constituency” substitute “[Insert name of constituency or electoral area]”.

## PART 2

### Amendments to provisions in the Conduct of Referendums Regulations and the Mayoral Elections Regulations

#### **Amendment to provision for hours of polling in the Conduct of Referendums Regulations**

- 26.**—(1) Regulation 12 of the Conduct of Referendums Regulations shall be amended as follows.
- (2) In paragraph (1) for “8 a.m. and 9 p.m.” substitute “7 a.m. and 10 p.m.”.
- (3) For paragraph (2) substitute—
- “(2) Paragraph (1) shall not apply to a referendum as regards which a determination under regulation 10(1) has effect.”.
- (4) Omit paragraph (3).

#### **Amendment to Table 4 in Schedule 3 to the Conduct of Referendums Regulations which applies and modifies the 2001 Regulations**

- 27.**—(1) Table 4 (provision and, if of limited application, relevant circumstances), in Schedule 3 to the Conduct of Referendums Regulations shall be amended as follows.
- (2) In the left-hand column of Table 4, below “Regulation 51 (general requirements for applications for an absent vote)” insert two new entries—
- “Regulation 51A (additional provision concerning the requirement that an application for an absent vote must be signed by the applicant)
- Regulation 51B (additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4)”.

#### **Amendment to provisions as to time in the Mayoral Elections Regulations**

- 28.** In rule 3 in Schedule 3 to the Mayoral Elections Regulations, in that part of the timetable concerning polling for “Between the hours of “ to “during those hours” substitute “Between the hours of 7 in the morning and 10 at night”.

Signed on and behalf of the Secretary of State

Date 9th March 2006

*Harriet Harman*  
Minister of State  
Department for Constitutional Affairs