

**2006 No. 752**

**REPRESENTATION OF THE PEOPLE**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

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

*Made* - - - - - *9th March 2006*

*Coming into force in accordance with regulation 1(1)*

The Secretary of State makes the following Regulations in exercise of the powers referred to in the Schedule.

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(a) and sections 44(3A) and 45(8A) of the Local Government Act 2000(b).

A draft of this instrument has been laid before Parliament in accordance with section 201(2) of the Representation of the People Act 1983(c) and section 105(6) of the Local Government Act 2000 and approved by resolution of each House of Parliament.

**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(d) (“the 2001 Regulations”).

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

- (a) the Local Authorities (Conduct of Referendums) (England) Regulations 2001(e) (“the Conduct of Referendums Regulations”); and
- (b) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(f) (“the Mayoral Elections Regulations”)

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

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(a) 2000 c.41.  
(b) 2000 c.22. Sections 44(3A) and 45(8A) were inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).  
(c) 1983 c.2. Section 201(1) was amended by S.I.1991/1728 and section 201(3) was inserted by Schedule 1 to the Representation of the People Act 2000 (c.2).  
(d) S.I. 2001/341, which was amended by S.I. 2001/1700, S.I. 2002/1871 and S.I. 2004/294.  
(e) S.I. 2001/1298, which was amended by S.I. 2001/1494, 2002/521 and 2004/226.  
(f) S.I. 2002/185, amended by S.I. 2004/225.

(5) Regulations 26 and 27 shall not extend to Wales<sup>(a)</sup>.

## 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.”.

#### **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.”.

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

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(a) 1998 c.29.

- (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(a), 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.”.

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(a) 2003 c.26.

**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(a) and section 4 of the Public Libraries and Museums Act 1964(b);

“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(c);

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

#### **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,

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

(b) 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).

(c) 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.

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

# SCHEDULE

## Enabling powers

1. The regulations in Part 1 of these Regulations are made under the following powers—
  - (a) sections 10A(9), 13A(6), 36(3C), 53, and 201(1) and (3) of, and rule 24 of Schedule 1 and paragraphs 3A, 5A(2) and (3), 10A, 10B, 11, 12 and 13(1A) of Schedule 2 to, the Representation of the People Act 1983 “the 1983 Act”(a);
  - (b) section 15(5) of the Representation of the People Act 1985(b);
  - (c) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act, sections 4(4), 9(2), 10A(1), 13(3), 13A(1) and (2) and 13B(3) of, and rule 45(1B) in Schedule 1 to, that Act(c); and
  - (d) having regard to the definition of “prescribed” in section 202(1) of the 1983 Act and paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000(d), the following provisions in that Schedule, namely, paragraphs 3(1)(b) and (2)(c), 4(1)(b), (2)(c) and (4)(a), 6(7) and (8) and 7(5)(c) and (7).
2. Regulations 26 and 27 are made under sections 45 and 105 of the Local Government Act 2000.
3. Regulation 28 is made under sections 44 and 105 of the Local Government Act 2000.

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- (a) Sections 10A and 13A were substituted by Schedule 1 to the Representation of the People Act 2000 (c.2) (“the 2000 Act”). Section 36(3C) was inserted by section 17 of the Representation of the People Act 1985 (c.50) (“the 1985 Act”). Section 53 was amended by Schedule 4 to the 1985 Act and Schedule 1 to the 2000 Act. Rule 24 of Schedule 1 was substituted by Schedule 6 to the 2000 Act. Paragraph 3A of Schedule 2 was inserted by Schedule 1 to the 2000 Act and paragraph 5A was inserted by Schedule 2 to the 1985 Act and amended by Schedule 6 to the 2000 Act. Paragraph 11 of Schedule 2 was substituted, and paragraphs 10A, 10B and 13(1A) of that Schedule were inserted, by section 9 of the 2000 Act. Paragraph 12 of Schedule 2 was amended by Schedule 6 to the 2000 Act.
  - (b) 1985 c.50.
  - (c) Section 4 was substituted by section 1(2) of the 2000 Act. Sections 9 and 13 were substituted, and section 13B was inserted, by Schedule 1 of the 2000 Act. Rule 45(1B) of Schedule 1 was inserted by Schedule 6 to the 2000 Act.
  - (d) 2000 c.2.



## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 1 of these Regulations, which comprises regulations 2 to 27, amend the Representation of the People (England and Wales) Regulations 2001 (“the principal Regulations”)(a).

Part 2, which comprises regulations 28 and 29, makes minor amendments to the Local Authorities (Conduct of Referendums) (England) Regulations 2001(b) (“the Conduct of Referendum Regulations”) and the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(c) (“the Mayoral Elections Regulations”).

Regulation 2 of these Regulations amends the provisions of the principal Regulations about applications for registration to require an application for registration as an elector, except in specified circumstances, to include a statement as to the applicant’s nationality. It also removes the requirement for an applicant who will attain the age of 70 years in the period of twelve months beginning with the date of his application to state the date on which he will attain the age of 70 years.

Regulation 3 amends regulation 51 of the principal Regulations to allow voters to apply for a postal vote at the same time as they apply to be registered to vote.

Regulation 4 inserts regulations 51A and 51B in the principal Regulations. Regulation 51(3) of the principal Regulations requires an application for an absent vote to be signed by the applicant. Regulation 51A provides that the registration officer may satisfy himself that the application has been signed by the applicant by referring to any signature previously provided to the registration officer or the returning officer which the applicant has previously provided to them.

Regulation 51B requires that an application by person for their ballot paper to be sent to an address different from that shown in the record for the purposes of a particular election must set out why his circumstances are such that he will require his ballot paper to be sent to that address.

Regulation 5 amends regulation 55 of the principal Regulations concerning additional requirements for applications for a proxy vote in respect of a particular election. In addition to the requirements in the principal Regulations, the application, if made by reason of the applicant’s physical incapacity and if made after 5pm on the 6<sup>th</sup> working day before the date of the poll, will be subject to the requirements in regulation 53 of the principal Regulations.

Regulation 53 of the principal Regulations provides for additional requirements for applications to vote by proxy for a definite or indefinite period on grounds of physical incapacity or blindness. Amongst other things, regulation 53 prescribes the information to be provided by a person attesting an application for a proxy vote on the grounds of the applicant’s physical incapacity. If the application is made after 5pm on the 6<sup>th</sup> working day before the date of the poll, the person attesting the application will also be required in, addition to the requirements in regulation 53, to state, to the best of his knowledge and belief, the date upon which the applicant became physically incapacitated.

Regulation 6 amends the provisions in regulation 56 of the principal Regulations concerning closing dates for an application for an absent vote. Regulation 56 now requires that, except in the case of applications to vote by proxy, the application must be received by the registration officer not later than 5pm on the eleventh working day before the date of the poll at a relevant election.

Where a person applies to vote by proxy at a specific election, the application must be received by not later than 5pm on the 6<sup>th</sup> working day before the date of the poll at the relevant election. However, where a person applies to vote by proxy at a particular election on the grounds of physical incapacity and the applicant became incapacitated after 5pm on the 6<sup>th</sup> working day

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

(b) S.I. 200/1298, which was amended by S.I. 2001/1494, 2002/521 and 2004/226.

(c) S.I. 2002/185, which was amended by S.I. 2004/225.

before the date of the poll, the application, or an application for the appointment of a proxy made by virtue of that application, must be received by not later than 5pm on the date of the poll.

Regulation 7 amends regulation 57 of the principal Regulations concerning notification requirements to require that where a registration officer grants an application for a postal vote, he must notify the applicant of his decision. Further, where for the purposes of a particular election a person applies for their ballot paper to be sent to an address different from that shown in the record, the registration officer must notify them if the application is granted. He is also required to notify a person removed from the record of absent voters for a definite or indefinite period and of the reason for the removal. Similarly, where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must confirm the cancellation or, as the case may be, notify the elector that the appointment is no longer in force and the reason for this.

Regulation 8 makes a minor correction to regulation 72 of the principal Regulations.

Regulation 9 amends regulation 77 of the principal Regulations to allow applications for replacement ballot papers in the case of spoilt declarations of identity. Previously a ballot paper could only be replaced if the ballot paper itself had been spoilt. An application for a replacement ballot paper in these circumstances can now be made up until 5pm on the day of the poll. However, after 5pm on the day before the day of the poll applications for replacement ballot papers may only be made in person.

Regulation 10 amends regulation 78 of the principal Regulations to allow applications for replacement ballot papers where the voter claims to have lost or not received his ballot paper, the declaration of identity or the envelopes supplied for their return. Previously a ballot paper could only be replaced if the ballot paper itself had been lost. Similar deadlines apply to applications for replacement ballot papers in the case of lost ballot papers, declarations of identity and envelopes as apply to applications for replacement ballot papers under Regulation 77.

Regulation 11 amends regulation 79 of the principal Regulations to enable the returning officer to collect postal ballot papers from polling stations when they have been returned there.

Regulation 12 amends regulation 91 of the principal Regulations. Previously the regulation required the returning officer at a parliamentary election to send to the Secretary of State, a copy of the completed statement as to the number of postal ballot papers issued. As amended the regulation requires the returning officer at both parliamentary and local government elections to send a copy of the completed statement to the Secretary of State and the Electoral Commission ten to fifteen working days following the date of the poll.

Regulation 25 amends the prescribed form for the Statement as to postal ballot papers (Form K) in Schedule 3 to the principal Regulations, in consequence the amendments made to regulation 91 of the principal Regulations by regulation 14. Regulation 25 also makes an amendment consequential upon amendments to regulation 78 of the Principal regulations by regulation 10.

The principal Regulations were amended by the Representation of the People (England and Wales) (Amendment) Regulations 2002<sup>(a)</sup> (“the Amendment Regulations”) to make new provision in respect of the free supply and sale of the register of electors. Regulation 93 of the principal Regulations as amended by the Amendment Regulations provides for an edited version of the register of electors which does not contain the names of persons who have requested exclusion of their names from that version of the register. Under Regulation 110 of the principal Regulations as so amended, the edited version of the register is available for sale without restriction. By contrast, the Amendment Regulations introduced new restrictions on the sale and supply free of charge of the full version of the register (“the full register”) and its use. Breach of the restrictions was made an offence under regulation 115 of the principal Regulations as amended. The following changes made by these Regulations amend those restrictions.

Regulation 13 amends regulation 92 of the principal Regulations to provide that one of the organisations entitled to obtain the full register may procure a data processor which already has a

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(a) S.I. 2002/1871.

copy to process it and provide it with a copy, without first being required to supply a copy to the data processor. It also amends regulation 92 of the principal Regulations to give full effect to other amendments made by these Regulations.

Regulation 14 amends regulation 96 of the principal Regulations to confirm that where the full register is made available for inspection under supervision the information so obtained shall not be used for direct marketing purposes.

Regulation 15 amends regulation 97 of the principal Regulations by requiring that a data copy of the full register be provided, free of charge, to the British Library in addition to the current requirement for the provision of a printed copy. The amendments further provide for an additional restriction in relation to the copy of the full register - where a copy of the register is made available in an electronic format, the format must prevent it from being copied or from being searched by electronic means by reference to the name of any person. The amendments also provide that, once a copy of the full register is over 10 years old, a copy of that register, or information contained in it, may be provided for research purposes which comply with the relevant conditions (within the meaning of section 33(1) of the Data Protection Act 1998(a)).

Regulation 16 inserts regulations 97A and 97B into the principal Regulations, which respectively make provision for the supply of copies of the full register, free of charge, to the National Libraries of Wales and Scotland. Both printed and data copies of the full register are to be supplied by registration officers in Wales and printed copies of the full register must be supplied by registration officers in England. Similar provisions to those applying to the British Library in respect of access to the register apply to the National Library of Wales. Data copies of the full register must be supplied by registration officers in England and Wales to the National Library of Scotland.

Regulation 17 amends regulation 99 of the principal Regulations, by making similar provisions regarding access to copies of the full register held by the Office for National Statistics to those which apply to the British Library by reason of regulation 15.

Regulation 18 makes a minor correction to heading to regulation 102 of the principal Regulations.

Regulation 19 of these Regulations provides that a copy of the register may be supplied to any local authority (within the meaning of section 116 of the Local Government Act 2003(b)) in addition to the local authority by which the electoral registration officer was appointed. The use that may be made of the full register by such local authorities is also extended to include use for the purposes of a local poll within the meaning of section 116 of the Local Government Act 2003.

Regulation 20 amends regulation 109 of the principal Regulations, by providing that a copy of the full register may be supplied to the Security Service, Government Communications Headquarters and the Secret Intelligence Service for use in respect of their statutory functions in addition to the organisations already listed. It also provides that police forces and organisations may use the register for the purpose of the vetting of constables, officers and employees for the purposes of safeguarding national security.

Regulation 21 inserts regulation 109A in the principal Regulations, which provides that a copy of the full register may be supplied to a library maintained by a library authority or to an archives service established by a local authority. Provisions similar to those applying to the British Library in respect of access to the register apply to libraries and archive services.

Regulation 22 amends regulation 111(7) of the principal Regulations. The effect of the amendment is to confirm that any notice issued by an electoral register officer under section 13A(2) or 13B(3) of the Representation of the People Act 1983(c) which is sold in accordance with the principal Regulations shall be marked to show any name that is not included in the edited register, in the same way as copies of the full register which are sold are required to be so marked.

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(a) 1998 c.29.

(b) 2003 c.26.

(c) 1983 c.2. Sections 13A and 13B were inserted by Schedule 1 to the Representation of the People Act 2000 (c.2).

Regulation 23 amends regulation 113 of the principal Regulations, by specifying that, in addition to the authorised sale of a copy of the full register to government departments (subject to restrictions as to the use of it) under the principal Regulations, it may also be sold to the Environment Agency and the Financial Services Authority subject to the same restrictions. In addition, those restrictions are relaxed to a limited extent to allow the use of the register for the vetting of persons for the purposes of safeguarding national security.

Regulation 24 amends regulation 115(2). The amendments update and correct references in the provision of the principal Regulations which specify the provisions for which a breach would amount to an offence, specifying new provisions contained in the other amendments made by these Regulations.

Regulation 26 amends regulation 12 of the Conduct of Referendums Regulations, which make provision for the conduct of referendums in England held under section 27 of the Local Government Act 2000<sup>(a)</sup> or by virtue of regulations or an Order made under Part II of that Act. Regulation 28 changes the hours of polling on the day of a referendum from 8 a.m. to 9 p.m. to 7 a.m. to 10 p.m.

Regulation 27 amends to Table 4 of Schedule 3 to the Conduct of Referendums Regulations, which applies and modifies the principal Regulations. The effect of the amendment is to apply regulations 51A and 51B to the Conduct of Referendums Regulations without modification.

Regulation 28 amends rule 3 in Schedule 3 to the Mayoral Election Regulations by changing the hours of polling for a mayoral election held in England and Wales from 8 a.m. to 9 p.m. to 7 a.m. to 10 p.m. Previously, the polling hours for a mayoral election would only be between 7 a.m. and 10 p.m. if that election was combined with certain other elections or referendums.

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(a) 2000 c.22, which was amended by the Political Parties, Elections and Referendums Act 2000 (c.41).

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**LOCAL GOVERNMENT, ENGLAND AND WALES**

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