
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Representation of the People (Northern Ireland) Regulations 2001(S.I.2001/400), as amended (“the 2001 Regulations”). These Regulations are needed in consequence of changes made by the Electoral Administration Act 2006 (c.22)(“ the 2006 Act”).

Part 1 of these Regulations is based on Part 1 of the 2001 Regulations (as amended). Regulations 5 and 6 of these Regulations differ from the equivalent provisions in the 2001 Regulations to facilitate the use of electronic communications in making representations.

The official poll card and the proxy’s official poll card have been amended in the light of the replacement of counterfoils made by section 31 of the 2006 Act and to make it clear that voters in Northern Ireland must show a specified form of photographic identification when voting.

Part 2 of these Regulations repeats Part 2 of the 2001 Regulations (as amended).

Part 3 of these Regulations is in substance the same as Part 3 of the 2001 Regulations (as amended). Regulation 24 differs from the equivalent provision in the 2001 Regulations and does not contain the previous offence in regulation 23 of the 2001 Regulations of providing false information in pursuance of a requisition of information by the registration officer. Section 15 of the 2006 Act has amended section 13D of the Representation of the People Act 1983 (c.2) (“the 1983 Act”), creating a broader offence of providing false information to registration officers. Regulation 24 also enables the Chief Electoral Officer to request documentation as well as information and to specify the form in which the information he requests must be provided.

Regulation 25 provides that the deadline for “late registration” of electors is to be the eleventh day before the date of the poll. This later deadline for registration means that the registration officer will not have time to make the normal checks on the information provided by the elector before polling day. In order to avoid electoral fraud, electors who apply for late registration will have to provide such of the original documents set out in regulation 25 as the registration officer may request. Regulation 25 provides, among other things, that a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Standards Scheme is acceptable evidence. Further information about this scheme can be obtained from the British Retail Consortium, 21 Dartmouth Street, London, SW1H 9BP (tel: 020 7854 8900) or on the website www.pass-scheme.org.uk.

Regulations 28 and 30 differ from the equivalent provisions in regulations 27 and 29 of the 2001 Regulations so as to make provision for objections made in respect of persons already entered in the register. The amendment made to section 10A of the 1983 Act by section 12(4) of the 2006 Act clarified that such objections could be made. Regulation 30 additionally provides for the registration officer to be able to determine objections without a hearing where he is of the opinion that the objection in question is clearly without merit.

Regulation 33 is a new provision which allows for the determination of objections relating to applications for registration which have been allowed, but where corresponding changes to the register have yet to take effect.

Regulations 34 to 38 are new provisions for which there were no equivalents in the 2001 Regulations. Section 12 of the 2006 Act amended the provisions of the 1983 Act set out in new regulation 34, to confer powers on the registration officer to make determinations of a person’s entitlement to be registered other than in relation to determining applications for registration and objections. These new regulations provide for the manner in which these powers are to be exercised. They provide for

the registration officer to undertake a review of a person's entitlement to registration (regulation 36) and to maintain a list of such reviews (regulation 37). Provision is made for when such reviews must be heard (regulation 36) and how they are to be heard (regulation 38). New regulation 35 provides that this procedure does not apply in specified circumstances, where it is clear that a person has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, for the purposes of a determination under section 10A(5)(b) of that Act.

Regulation 40 makes provision in relation to representations made by or on behalf of an elector that the electoral register contains a clerical error.

Regulation 33 of the 2001 Regulations, which prescribed circumstances for the purposes of section 10A(5)(b) of the 1983 Act, has not been replicated in these Regulations. This conferred a power on the registration officer to determine in the circumstances so prescribed that a person had ceased to satisfy the requirements for registration set out in section 4 of that Act. However, section 12(5)(b) of the 2006 Act, substituted a broader power that is now subject to the procedure set out in regulation 30.

Regulation 44(3) is a new provision which is not found in regulation 36 of the 2001 Regulations which preceded it. Paragraph (3) specifies the prescribed time for the purposes of section 13BA(7) and (8) of the 1983 Act. Section 13BA of the 1983 Act (as inserted by section 6 of the [Northern Ireland \(Miscellaneous Provisions\) Act 2006\(c.33\)](#)) allows alterations to be made to the electoral register in consequence of a court ruling or to correct a clerical error up to a prescribed time on the day of the poll.

Regulation 45, which is new, provides that where a notice of alteration is issued by a registration officer on polling day as a result of a court ruling or to correct a clerical error, the registration officer must communicate the contents of the notice to the presiding officer. Where such a communication takes place, the presiding officer is required to make a note as to the contents of the notice and forward it to the returning officer after the day of the poll.

Regulation 44 of the 2001 Regulations, which required the registration officer to supply the Secretary of State with information about electors, has not been reproduced in these Regulations. This is because regulation 44 had not been used and was considered otiose.

Part 4 of these Regulations repeats the substance of Part 4 of the 2001 Regulations. However, regulation 69 prescribes the form of corresponding number lists to be used at parliamentary elections at polling stations and for postal ballot papers. This is consequential on sections 30 (ballot paper design) and 31 (replacement of counterfoils) of the 2006 Act.

Part 5 of these Regulations repeats the substance of Part 5 of the 2001 Regulations. In regulations 76 and 79 references to counterfoils attached to ballot papers, which appeared in the 2001 Regulations, are replaced with references to the corresponding number list, following amendments made by section 31 of the 2006 Act.

Regulation 72 differs from regulation 67 of the 2001 Regulations in consequence of changes made by section 29 of the 2006 Act.

Part 6 of the Regulations repeats the substance of Part 6 of the 2001 Regulations. However, changes have been made in provisions which relate to the supply of the electoral register to ensure that where a registration officer is required to supply a person with a copy of the register, the register is taken to include any notices of alteration issued by the registration officer under section 13BA(3), (6) or (9) of the 1983 Act as inserted by section 6 of the [Northern Ireland \(Miscellaneous Provisions\) Act 2006](#).

The District Electoral Areas Commissioner has been added to the list of people who can receive the register under regulation 100.

The offences in regulation 114 differ from those previously found in regulation 109 of the 2001 Regulations in order to bring the offences for breach of conditions on the use of information in the full register in line with that for misuse of documents after an election.

Part 7 is new and makes provision requiring the Chief Electoral Officer for Northern Ireland to supply or disclose information in documents that have been used or marked at parliamentary elections and places conditions on the use of information in those documents. An offence for breach of those conditions is set out in section 66B of the 1983 Act which was inserted by section 41(9) of the 2006 Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.