

**EXPLANATORY MEMORANDUM TO**  
**THE REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND)**  
**(AMENDMENT) REGULATIONS 2010**

**2010 No. 278**

1. This explanatory memorandum has been prepared by the Northern Ireland Office (NIO) and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations amend the Representation of the People (Northern Ireland) Regulations 2008<sup>1</sup> (“the 2008 Regulations”) to make provision to assist the Chief Electoral Officer to maintain an accurate electoral register and to make changes to the process for applying for an absent vote in Northern Ireland. These Regulations also update the forms of identification that may be used as proof of identity at polling stations in Northern Ireland for Parliamentary elections and enable disclosure of information from the electoral register to medical practitioners where necessary (e.g. to provide up to date contact details in a medical emergency).

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative background**

4.1 The 2008 Regulations make provision in relation to elections in Northern Ireland, including: the conduct of Parliamentary elections; the registration of electors; access to the electoral register; and absent vote applications.

4.2 These Regulations are being made further to public consultation on electoral registration procedures and related matters; and to ensure consistency between procedures in respect of different types of elections in Northern Ireland where appropriate.

**5. Territorial Extent and Application**

5.1 This instrument applies to Northern Ireland only.

**6. European Convention on Human Rights**

6.1 The Minister of State for Northern Ireland, Paul Goggins, has made the following statement regarding Human Rights:

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<sup>1</sup> S.I. 2008/1741

‘In my view the provisions of the Representation of the People (Northern Ireland) (Amendment) Regulations 2010 are compatible with the Convention rights.’

## **7. Policy background**

- 7.1 These Regulations are made under the Representation of the People Act 1983 and the Representation of the People Act 1985, which themselves make provision for electoral registration and absent voting at Parliamentary elections in Northern Ireland. These Regulations update electoral procedures in respect of these matters.
- 7.2 In July 2009, the Northern Ireland Office published a consultation paper entitled: *Improving Electoral Registration Procedures in Northern Ireland*, which included a number of proposals relating to electoral registration, absent voting, accessing the electoral register and voting procedures at Parliamentary elections in Northern Ireland. Some of the proposals contained in the consultation paper can only be implemented through primary legislation. However, other proposals require amendment to the 2008 Regulations and the current Regulations give effect to these changes as set out below.

### *Registration*

- 7.3 These Regulations will make it easier for the Chief Electoral Officer to maintain an accurate electoral register by allowing him to summarily remove a person from the register when informed by a registrar of births and deaths in the UK or Ireland that the person has died (currently he may only do this when notified by the registrar in Northern Ireland). These Regulations will also assist the Chief Electoral Officer to further encourage young people to register to vote by specifying further education colleges as bodies from which the Chief Electoral Officer may request information for registration purposes.

### *Absent Voting*

- 7.4 These Regulations also make provision relating to absent vote applications in Northern Ireland. They add registered social workers to the list of those able to attest applications made on the grounds of blindness and disability and also provide for people in receipt of the higher rate of Attendance Allowance and the highest rate care component of Disability Living Allowance to be exempt from the need to have their application attested. These measures will make it easier for people with disabilities to receive an absent vote. An application by an elector for an absent vote at a particular election because she or he cannot attend to vote that day must be attested. Currently a person may only attest one such application. These Regulations will enable a person to attest two so, for example, the same person will now be able to attest the applications of two people living together. These Regulations also make two important changes to ensure protection against absent vote fraud. Those requesting their absent vote to be sent to a different address to that at which they are registered will need to provide reasons for this and, in certain circumstances, those attesting applications will

themselves have to be on the electoral register. This latter requirement arises from concerns that have been raised about potentially fraudulent attestations of absent vote applications (specifically those made on the grounds of blindness, disability or illness) at the recent European election.

*Access to the register and polling station identification*

7.5 Other key changes include provision to add 60+ SmartPasses and European Community driving licences to the list of ID which can be used as proof of identity at polling stations for Parliamentary elections in Northern Ireland. The 2008 Regulations prescribe bodies who may access the electoral register and these Regulations make provision for registered medical practitioners to access it when necessary for medical purposes (which may be, as indicated above, when up to date contact details are required for a patient when a doctor needs to make urgent contact).

**8. Consultation outcome**

8.1 The provisions outlined above were discussed as part of the NIO public consultation on *Improving Electoral Registration Procedures in Northern Ireland*. The consultation paper and the Government Response are available at <http://www.nio.gov.uk/index/public-consultation.htm>. The consultation ran for 12 weeks and responses were received from a number of individuals, political parties and organisations. The above proposals were widely supported by respondents.

8.2 The Electoral Commission and Chief Electoral Officer were also formally consulted during the preparation of these draft regulations.

**9. Guidance**

9.1 These Regulations are not accompanied by any guidance. The Chief Electoral Officer will issue appropriate relevant guidance to electors in relation to these changes.

**10. Impact**

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 These Regulations will improve various electoral procedures in Northern Ireland. This should benefit electors as well as those administering elections.

**11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The Northern Ireland Office will keep these Regulations under review and will also work with stakeholders such as the Electoral Commission and the Chief Electoral Officer to ensure that future amendments are made where necessary.

## **13. Contact**

**Lee Hegarty**, Head of Elections Unit at the Northern Ireland Office Tel: 020 7210 6569 or email: [lee.hegarty@nio.x.gsi.gov.uk](mailto:lee.hegarty@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.