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## STATUTORY INSTRUMENTS

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# 2022 No. 1382

## The Voter Identification Regulations 2022

### PART 1

#### Introduction

##### Citation, commencement and saving

1.—(1) These Regulations may be cited as the Voter Identification Regulations 2022.

(2) This Part and regulation 14(6) come into force on the 22nd day after the day on which these Regulations are made.

(3) Subject to paragraphs (4) and (5), the remainder of these Regulations come into force on the 25th day after the day on which these Regulations are made.

(4) Regulations 38(2), 39(2) and 41 come into force on the first day on which a provision of Part 3 of the Domestic Abuse Act 2021(1) comes into force, including where that provision is brought into force for a specified purpose or in relation to a specified area under section 90 of that Act.

(5) Regulation 40(2) and (3) comes into force at the end of 28th February 2023.

(6) The provisions listed in paragraph (7) do not apply in relation to—

(a) a parliamentary general election to which paragraph 18 of Schedule 1 to the Elections Act 2022(2) does not apply;

(b) a relevant election, petition or referendum, other than a parliamentary general election, in respect of which the qualifying date is on or before 3rd May 2023.

(7) The provisions are—

(a) Parts 6 to 8;

(b) in Part 9, regulations 38(4) to (8) and (11) and 39(4) to (8) and (11);

(c) Part 10.

(8) In paragraph (6)(b), “qualifying date”—

(a) where the relevant election, petition or referendum is a recall petition, means the beginning date of the signing period as specified in the public notice of petition given under regulation 14 of the 2016 Regulations(3);

(b) otherwise, means the date of poll as specified in the notice of election or referendum published in accordance with rule 5 of the elections rules.

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##### Commencement Information

**II** Reg. 1 in force at 13.1.2023, see [reg. 1\(2\)](#)

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(1) 2021 c. 17.

(2) 2022 c. 37.

(3) S.I. 2016/295, to which there are amendments not relevant to these Regulations.

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**Changes to legislation:** There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)

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## Extent

- 2.—(1) This Part extends to England and Wales, Scotland and Northern Ireland.
- (2) Parts 2 to 7 extend to England and Wales and Scotland, and the following also extend to Northern Ireland—
- (a) regulation 23;
  - (b) in regulation 24, paragraph (2) and, so far as it applies to that paragraph, paragraph (3).
- (3) Any amendment made by Parts 8 to 10 has the same extent as the provision amended, except the amendments made by regulations 70 to 75, 77 to 82, 86, 88, 90, 91(a) and 92, which extend to England and Wales and Scotland only.

### Commencement Information

**I2** Reg. 2 in force at 13.1.2023, see [reg. 1\(2\)](#)

## Interpretation

- 3.—(1) In these Regulations—
- “the 1983 Act” means the Representation of the People Act 1983;
- “the 2016 Regulations” means the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
- “anonymous elector’s document” means that document as designed by the Electoral Commission in accordance with regulation 15(1)(a) or (d) or (4)(4);
- “combined authority mayoral election” means an election for the return of a mayor as provided for in an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009;
- “digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the Secretary of State for the purpose (amongst other purposes) of processing online applications for electoral identity documents under section 13BD of the 1983 Act(5) and for verifying information in accordance with regulation 6;
- “electoral identity document” means that document as designed by the Electoral Commission in accordance with regulation 15(1)(b) or (d) or (4)(6);
- “identity document application” means—
- (a) an application for an electoral identity document under section 13BD of the 1983 Act, or
  - (b) an application for an anonymous elector’s document under section 13BE of the 1983 Act(7);
- “issued document record entry” means an entry in the record kept in accordance with regulation 20 in respect of an anonymous elector’s document, or an electoral identity document, issued by a registration officer;
- “local authority mayoral election” means an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(8);

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(4) See also section 13BE of the Representation of the People Act 1983 (c. 2).  
(5) Section 13BD was inserted by paragraph 2 of Schedule 1 to the Elections Act 2022 (c. 37).  
(6) See also section 13BD of the Representation of the People Act 1983.  
(7) Section 13BE was inserted by paragraph 2 of Schedule 1 to the Elections Act 2022.  
(8) Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20).

“PCC election” means an election of a police and crime commissioner under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011<sup>(9)</sup>;

“petition signing place” has the meaning given in regulation 3(1) of 2016 Regulations;

“recall petition” has the meaning given by section 1 of the Recall of MPs Act 2015;

“registration officer” means an electoral registration officer;

“signing period” has the meaning given by section 9(2) of the Recall of MPs Act 2015;

“signing sheet” has the meaning given by regulation 10 of the 2016 Regulations;

“specified document” has the meaning given by rule 37(1H) and (1K) of the elections rules;

“temporary electoral identity document” means an electoral identity document that has a temporary validity, as designed by the Electoral Commission in accordance with regulation 15(1)(c) or (d) or (4).

(2) In these Regulations other than in regulations 14(7) and 20(7), “bank holiday” means—

(a) subject to paragraph (3), in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(10)</sup> in any part of the United Kingdom, and

(b) in relation to any other relevant election, petition or referendum—

(i) where the relevant election, petition or referendum is held in an area in England or Wales, a day which is a bank holiday under that Act in England and Wales;

(ii) where the relevant election, petition or referendum is held in an area in Scotland, a day which is a bank holiday under that Act in Scotland.

(3) Where at a parliamentary general election any proceedings are commenced afresh by reason of a candidate’s death, the meaning of “bank holiday” in paragraph (2)(b) applies in relation to that election rather than the meaning in paragraph (2)(a).

(4) In these Regulations, “relevant election, petition or referendum” means an election, petition or referendum listed in the first column of the following table; and the “relevant officer” for such an election, petition or referendum means the officer listed in the corresponding entry in the second column of that table—

<i>Election, petition or referendum</i>	<i>Relevant officer</i>
A parliamentary election in England, Wales or Scotland	The returning officer or (in England and Wales) an acting returning officer
A recall petition in England, Wales or Scotland	The petition officer within the meaning of section 6 of the Recall of MPs Act 2015
A PCC election	The police area returning officer within the meaning of article 2(1) of the Police and Crime Commissioner Elections Order 2012 <sup>(11)</sup>
A local government election in England	The returning officer
A local authority mayoral election	The returning officer within the meaning of regulation 2 of the Local Authorities (Mayoral

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(9) Chapter 6 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), by section 122(1) of, and by paragraphs 86 and 90 of Schedule 1, paragraph 117 of Schedule 2 and paragraph 73(2) of Schedule 9 to, the Policing and Crime Act 2017 (c. 3), by section 8 of the Wales Act 2017 (c. 4), by paragraph 5 of Schedule 1 to the Local Government (Democracy) (Wales) Act 2013 (anaw 4), by paragraph 16 of Schedule 5 to the Local Government and Elections (Wales) Act 2021 (asc 1) and by S.I. 2014/268, 2015/1376, 1526, 2017/470, 2018/1310, 2021/1265. It is prospectively amended by paragraph 6(2) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed.

(10) 1971 c. 80.

(11) S.I. 2012/1917; relevant amending instruments are S.I. 2014/921, 2016/300, 2018/272, 1310.

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<i>Election, petition or referendum</i>	<i>Relevant officer</i>
	Elections) (England and Wales) Regulations 2007 <b>(12)</b>
A combined authority mayoral election	The returning officer within the meaning of article 2 of the Combined Authorities (Mayoral Elections) Order 2017 <b>(13)</b>
A referendum under Part 1A of the Local Government Act 2000 <b>(14)</b>	The counting officer within the meaning of regulation 9 of the Local Authorities (Conduct of Referendums) (England) Regulations 2012 <b>(15)</b>
A referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 <b>(16)</b>	The counting officer within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 <b>(17)</b>
A referendum under Schedule 4B to the Town and Country Planning Act 1990	The counting officer within the meaning of regulation 9 of the Neighbourhood Planning (Referendums) Regulations 2012 <b>(18)</b>

(5) Except in Part 7, a reference in these Regulations to a numbered rule in the elections rules is to be read as a reference to—

- (a) in the case of a parliamentary election, the rule of that number in the parliamentary election rules in Schedule 1 to the 1983 Act**(19)**,

- (12)** S.I. 2007/1024; relevant amending instruments are S.I. 2014/370, 2018/1310.  
**(13)** S.I. 2017/67, amended by S.I. 2018/1310; there are other amending instruments but none is relevant.  
**(14)** Part 1A was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and was amended by section 190(10) of the Health and Social Care Act 2012 (c. 7), by section 20 of the Cities and Local Government Devolution Act 2016 (c. 1) and by S.I. 2013/594, 2597, 2021/1265.  
**(15)** S.I. 2012/323; relevant amending instruments are S.I. 2014/924, 2018/1310.  
**(16)** Chapter 4ZA was inserted by Schedule 5 to the Localism Act 2011 and was amended by section 3(5) to (7) of the Local Government Finance Act 2012 (c. 17), by section 41 of the Local Audit and Accountability Act 2014 (c. 2) and by S.I. 2013/733, 2021/1265.  
**(17)** S.I. 2012/444; relevant amending instruments are S.I. 2014/925, 2018/1310.  
**(18)** S.I. 2012/2031; relevant amending instruments are S.I. 2013/798, 2014/333, 2018/1310.  
**(19)** Schedule 1 was amended by sections 1 and 2 of the Elections (Northern Ireland) Act 1985 (c. 2); by sections 13 and 19(5) of, and paragraphs 4 to 7 of Schedule 2 and paragraphs 73 to 86 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c. 41); by paragraph 83 of Schedule 19 to the Education Act 1993 (c. 35); by paragraph 12(2) of Schedule 2, and paragraph 68(17) of Schedule 16, to the Local Government (Wales) Act 1994 (c. 19); by Schedule 31 to the School Standards and Framework Act 1998 (c. 31); by paragraphs 2 to 6 of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48); by section 13 of, and paragraph 23 of Schedule 1 and paragraph 10 of Schedule 6 to, the Representation of the People Act 2000 (c. 2); by section 38 of, and paragraph 6(9) of Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41); by sections 2, 3(4), 4(3) and 5 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); by paragraph 85 of Schedule 27 to the Civil Partnership Act 2004 (c. 33); by sections 19, 21, 22, 24, 30, 31, 37, 38(1) and (2), 41(1) to (7), 45, 49(3), 52(1) to (3), and 70(2) of, and paragraphs 14, 34 to 40, 52, 70, 73 to 75, 77 to 81, 83 to 85, 87 to 93, 95 and 129 to 132 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22); by paragraph 6 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); by sections 24 and 25(b) of, and paragraph 8 of Schedule 6 to, the Political Parties and Elections Act 2009 (c. 12); by section 48 of the Constitutional Reform and Governance Act 2010 (c. 25); by paragraph 121 of Schedule 12 to the Postal Services Act 2011 (c. 5); by paragraphs 10 to 13 of the Schedule to the Fixed-term Parliaments Act 2011 (c. 14); by sections 14(2) to (5), 19, 20 and 21(1) and (2) of the Electoral Registration and Administration Act 2013 (c. 6); by paragraph 1 of Schedule 6 to the Recall of MPs Act 2015 (c. 25); by paragraph 6 of Schedule 12 to the Policing and Crime Act 2017 (c. 3); by paragraph 8 of the Schedule to the Dissolution and Calling of Parliament Act 2022 (c. 11); by section 9(2) to (4) of, and paragraphs 11 to 33 of Schedule 1 to, the Elections Act 2022 (c. 37); and by S.I. 1986/1091, 1996/739, 2001/400, 1149, 2002/1873, 2003/1156, 2008/1741, 2010/728, 1158, 2014/236, 1116, 1880, 2015/656, 2018/699. It is prospectively amended by Schedule 2 to the Electoral Administration Act 2006, by paragraph 52(1)(b) and (2) of Schedule 9 to the Crime and Courts Act 2013 (c. 22) and by sections 5(2) to (4), 7(6), 10 and 11 of, and paragraph 4 of Schedule 4 and paragraph 4 of Schedule 10 to, the Elections Act 2022 from a date and time to be appointed.

- (b) in the case of a recall petition, the corresponding regulation in the regulations made under section 18(1) of the Recall of MPs Act 2015, or
- (c) the corresponding rule in the rules made under—
  - (i) in the case of a PCC election, section 58(1)(a) of the Police Reform and Social Responsibility Act 2011(20),
  - (ii) in the case of a local government election in England, section 36 of the 1983 Act(21),
  - (iii) in the case of a local authority mayoral election, section 9HE(1)(a) of the Local Government Act 2000,
  - (iv) in the case of a combined authority mayoral election, paragraph 12(1)(a) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009,
  - (v) in the case of a referendum under Part 1A of the Local Government Act 2000, section 9MG(2) or (3) of that Act(22),
  - (vi) in the case of a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992, section 52ZQ(1) or (2) of that Act, or
  - (vii) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, paragraph 16(1) of that Schedule.

#### Commencement Information

**I3** Reg. 3 in force at 13.1.2023, see [reg. 1\(2\)](#)

VALID FROM 16/01/2023

## PART 2

### Applications for electoral identity or anonymous elector's documents

#### Identity document applications: general

- 4.—**(1) An identity document application must be in writing, and must state—
- (a) the applicant's full name;
  - (b) the address in respect of which the applicant is registered, or has applied to be registered, on the register of parliamentary electors or local government electors;
  - (c) where the applicant is or has applied to be registered in pursuance of—
    - (i) a service declaration, the applicant's present address, correspondence address or British Forces Post Office Number;
    - (ii) an overseas elector's declaration, the applicant's present address;

(20) Section 58(1) was amended by [S.I. 2021/1265](#).

(21) Section 36 was amended by section 17 of the Representation of the People Act 1985; by Schedule 17 to the Local Government Act 1985 (c. 51); by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40); by paragraph 68 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19); by paragraph 17 of Schedule 3 to the Local Government and Rating Act 1997 (c. 29); by paragraph 4 of Schedule 3 to the Greater London Authority Act 1999 (c. 29); by section 13(2) of, and paragraph 2(4) of Schedule 2 to, the Local Government and Elections (Wales) Act 2021 (asc 1) and by [S.I. 1991/1730](#).

(22) Section 9MG was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and amended by [S.I. 2013/2597](#), [2021/1265](#).

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- (d) the applicant’s date of birth or, if they are not able to provide that information, the reason why they are not able to do so and a statement as to whether the applicant is under 18 years old;
  - (e) the applicant’s national insurance number or, if they are not able to provide that information, the reason why they are not able to do so;
  - (f) an indication as to whether, if the identity document application is granted, the applicant considers that it is necessary for the applicant to collect the document in person instead of the document being delivered to the relevant delivery address, and if so the reason why the applicant considers that collection is necessary;
  - (g) for an identity document application under section 13BE of the 1983 Act, the fact that the applicant has applied or is applying to have an anonymous entry on the register;
  - (h) an indication as to whether, if the identity document application is granted, the applicant requires a Braille, easy read or large print explanation of the anonymous elector’s document or the electoral identity document issued;
  - (i) a declaration by the applicant that the information provided in the application is true;
  - (j) the date of the application.
- (2) Where an applicant makes an identity document application by virtue of section 13BD(1)(b)(ii) or section 13BE(1)(b)(ii) of the 1983 Act (applicants registered in Wales who will be entitled to vote in police and crime commissioner elections upon attaining the age of 18)—
- (a) if the applicant is not able to provide their date of birth, the statement referred to in paragraph (1)(d) must indicate whether the applicant is—
    - (i) under the age of 16, or
    - (ii) aged 16 or 17;
  - (b) paragraph (1)(e) does not apply where the applicant is under the age of 16.
- (3) An identity document application must also include—
- (a) a photograph of the applicant which meets the requirements set out in Schedule 2, and
  - (b) where, in accordance with paragraph 3(2) of that Schedule, the applicant is unable to provide a photograph that complies with paragraph 3(1)(d) or (e) of that Schedule, the reason why they are not able to do so.
- (4) An identity document application may (but need not) include the applicant’s email address and telephone number.
- (5) Where the applicant is not able to provide a national insurance number, the applicant may provide as part of an identity document application a copy of any of the documents listed in—
- (a) where the applicant has applied or is applying to have an anonymous entry on the register, regulation 7(3) to (5);
  - (b) otherwise, regulation 7(4) or (5).
- (6) A registration officer may authorise an applicant to provide anything which must or may be included in or with, or which may be provided as part of, an identity document application in accordance with this regulation to the registration officer in person and, where the officer does so, the registration officer must transfer anything provided by the applicant into an application in writing.
- (7) In paragraph (1)(f), “relevant delivery address” means—
- (a) where paragraph (1)(c) applies, the address provided in accordance with that paragraph;
  - (b) where paragraph (1)(c) does not apply, the address provided in accordance with paragraph (1)(b).

#### Commencement Information

**14** Reg. 4 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Identity document applications made through the digital service

**5.—(1)** This regulation applies where, by virtue of arrangements made by the Secretary of State, an identity document application for an electoral identity document under section 13BD of the 1983 Act may be made through the digital service.

(2) The Secretary of State may complete an identity document application in part for an applicant using information provided by the applicant as part of an application, or partially completed application, under section 10ZC or 10ZD of the 1983 Act<sup>(23)</sup> for registration in, or alteration of, a register of electors made through or completed using the digital service.

(3) The Secretary of State must send to the appropriate registration officer any identity document application the Secretary of State receives together with a reference number unique to that application.

#### Commencement Information

**15** Reg. 5 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Verification of information provided in an identity document application

**6.—(1)** On receipt of an identity document application made otherwise than through the digital service, a registration officer must disclose the applicant's name, relevant address, date of birth and national insurance number ("the first stage information") to the Secretary of State for Levelling Up, Housing and Communities in such format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(2) Following receipt of the first stage information from the registration officer or (in the case of an application made through, or partially completed using, the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the first stage information to the Secretary of State for Work and Pensions.

(3) Where the first stage information has been disclosed to the Secretary of State for Work and Pensions under paragraph (2), the Secretary of State for Work and Pensions may compare it against—

- (a) the name, address, date of birth and national insurance number of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty's Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(23) Section 10ZC was inserted by section 1(1) of the Electoral Registration and Administration Act 2013 (c. 6) and was amended by section 6(2) of the Scotland Act 2016 (c. 11) and by section 7 of the Wales Act 2017 (c. 4). Section 10ZD was inserted by paragraph 1 of Schedule 1 to the Electoral Registration and Administration Act 2013 and was amended by section 6(3) of the Scotland Act 2016 and by section 7 of the Wales Act 2017.

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(4) The Secretary of State for Work and Pensions may disclose the results of the comparison of the first stage information (“the second stage information”) to the Secretary for Levelling Up, Housing and Communities.

(5) On receipt of the second stage information, the Secretary of State for Levelling Up, Housing and Communities may disclose that information—

- (a) to the Secretary of State for Work and Pensions, or
- (b) to the registration officer to whom the identity document application has been made, or, as the case may be, to whom the Secretary of State has sent the application under regulation 5(3).

(6) Paragraph (3) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under paragraph (5)(a) as it applies to the first stage information disclosed under paragraph (2).

(7) The Secretary of State for Work and Pensions may disclose the results of the comparison of the second stage information (“the third stage information”) to the Secretary for Levelling Up, Housing and Communities.

(8) On receipt of the third stage information, the Secretary of State for Levelling Up, Housing and Communities may—

- (a) compare the third stage information against the information provided in the identity document application, and
- (b) notify the registration officer to whom the identity document application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 5(3), as to whether the comparison in sub-paragraph (a) resulted in a match.

(9) The registration officer must take into account any information disclosed by, or notification received from, the Secretary of State for Levelling Up, Housing and Communities in accordance with this regulation when determining the identity document application.

(10) This regulation does not apply where—

- (a) the applicant—
  - (i) makes an application under section 10ZC or 10ZD of the 1983 Act at the same time as the identity document application,
  - (ii) the name, date of birth and national insurance number of the applicant are disclosed in accordance with regulation 29ZA(2) of the Representation of the People (England and Wales) Regulations 2001(24) or regulation 29ZA(2) of the Representation of the People (Scotland) Regulations 2001(25), and
  - (iii) the name, date of birth and national insurance number disclosed are identical to the name, date of birth and national insurance number provided by the applicant in the identity document application;
- (b) the applicant—
  - (i) is under the age of 16, or
  - (ii) does not provide both a date of birth and a national insurance number in accordance with regulation 4(1)(d) and (e) respectively.

(11) Where paragraph (10)(a) applies, the registration officer must take into account any results disclosed by the Secretary of State for Levelling Up, Housing and Communities in accordance with regulation 29ZA of the Representation of the People (England and Wales)

(24) S.I. 2001/341; relevant amending instruments are S.I. 2002/1871, 2006/752, 2910, 2009/725, 2013/3198, 3206, 2015/467, 1971, 2018/312, 2020/1399, 2021/193, 391, 1265, 2022/175, 263 (W. 79).

(25) S.I. 2001/497 (S. 2); relevant amending instruments are S.I. 2002/1872, 2006/834, 2007/925, 2009/725, 2013/3206, 2015/450, 1966, 2018/427, 2021/391, 1265, 2022/175.



Regulations 2001 or (as the case may be) with regulation 29ZA of the Representation of the People (Scotland) Regulations 2001 in respect of the application described in paragraph (10)(a)(i) when determining the identity document application.

(12) In paragraph (1)—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003(26);

“relevant address” means the address provided by the applicant in accordance with regulation 4(1)(b).

#### **Commencement Information**

**I6** Reg. 6 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary**

7.—(1) A registration officer must require an applicant to provide additional evidence where the registration officer considers additional evidence is necessary to verify the identity of the applicant in respect of their identity document application, including where the officer considers it is necessary because the applicant is not able to state the information required by regulation 4(1)(d) or (e).

(2) Where a registration officer requires additional evidence—

(a) the officer must, at the same time, inform the applicant of—

- (i) the evidence submission date, which is the date 28 days after the day on which the registration officer requires the additional evidence, and
- (ii) the fact that the registration officer may reject the applicant’s identity document application in the event that the applicant fails or refuses to provide the additional evidence on or before the evidence submission date; and

(b) if the applicant provides additional evidence, it must be provided in accordance with—

- (i) where the applicant has or is applying to have an anonymous entry on the register of parliamentary electors or local government electors, one of paragraphs (3) to (6);
- (ii) otherwise, one of paragraphs (4) to (6).

(3) The applicant may provide a copy, or where the registration officer considers it appropriate, the original, of one of the following documents—

- (a) the applicant’s passport;
- (b) the applicant’s identity card issued in the European Economic Area;
- (c) the applicant’s biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the Borders Act 2007(27);
- (d) the applicant’s electoral identity card issued in Northern Ireland;
- (e) the applicant’s photocard driving licence granted in the United Kingdom or driving licence granted by a Crown Dependency, which bears a photograph of the applicant.

(26) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30). It is prospectively amended by paragraph 4 of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7) from a date and time to be appointed.

(27) 2007 c. 30. Section 5 was amended by paragraph 19 of the Schedule to the Identity Documents Act 2010 (c. 40).

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(4) The applicant may provide a copy, or where the registration officer considers it appropriate, the original of—

- (a) one of the following documents, which, except in relation to paragraph (vii) must have been issued in the United Kingdom or Crown Dependencies—
  - (i) the applicant’s birth certificate;
  - (ii) the applicant’s marriage or civil partnership certificate;
  - (iii) the applicant’s adoption certificate;
  - (iv) the applicant’s firearms certificate granted under the Firearms Act 1968<sup>(28)</sup>;
  - (v) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976<sup>(29)</sup>;
  - (vi) the applicant’s driving licence, which is not in the form of a photocard;
  - (vii) the applicant’s driving licence, granted other than in the United Kingdom or Crown Dependencies, which bears a photograph of the applicant and which must be valid for at least 12 months from the date the applicant entered the United Kingdom; and
- (b) two other documents, each of which may be either from sub-paragraph (a) or paragraph (5).

(5) The applicant may provide a copy, or where the registration officer considers it appropriate, the original, of four documents, each of which may be any of the following kinds of evidence and which must bear the applicant’s full name as stated on the identify document application—

- (a) a financial statement, including but not limited to—
    - (i) a mortgage statement;
    - (ii) a bank or building society statement or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
    - (iii) a credit card statement;
    - (iv) a pension statement;
  - (b) a council tax demand letter or statement;
  - (c) a utility bill;
  - (d) a Form P45 or Form P60 issued to the applicant by their employer or former employer;
  - (e) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992<sup>(30)</sup>, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act<sup>(31)</sup>.
- (6) The applicant may provide an attestation which must—
- (a) confirm that the applicant is the person named in the identity document application,
  - (b) state that the qualifying attestor is aware of the penalty for providing false information to a registration officer,

<sup>(28)</sup> 1968 c. 27.

<sup>(29)</sup> 1976 c. 63. Section 5(1) was amended by paragraph (1)(a) of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33) and by Part 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).

<sup>(30)</sup> 1992 c. 4. Section 141 was amended by section 1(1) of the Child Benefits Act 2005 (c. 6).

<sup>(31)</sup> Section 130 was amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14); by Part 6 of Schedule 19 to the Housing Act 1996 (c. 52); and by section 30(1) of, and paragraph 1(1) and (3) of Schedule 5 to, the Welfare Reform Act 2007 (c. 5). It is prospectively amended by section 96 of the Local Government Act 2000 (c. 22), and prospectively repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5), from a date and time to be appointed.

*Status: Point in time view as at 13/01/2023. This version of this Instrument contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

- (c) be in writing and signed by the qualifying attester,
  - (d) state the full name, date of birth, address, electoral number and occupation of the qualifying attester, and
  - (e) state the date on which it is made.
- (7) In paragraph (6), the “qualifying attester” is a person—
- (a) whom the registration officer is satisfied is of good standing in the community,
  - (b) who is registered as an elector—
    - (i) where the registration officer to whom the application is made is appointed for an area in England or Wales, in a local authority area in England or Wales,
    - (ii) where the registration officer to whom the application is made is appointed for an area in Scotland, in a local authority area in Scotland,
  - (c) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant, and
  - (d) who has not already signed attestations under this regulation for two applicants since, whichever is the later of,—
    - (i) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act<sup>(32)</sup>, or
    - (ii) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B(3), (3B) or (3D) or 13BC(3) or (6) of that Act<sup>(33)</sup> (and if there has been more than one such notice, the date on which the last one was issued).
- (8) This regulation does not apply where—
- (a) the applicant is under the age of 16,
  - (b) there is information available to the registration officer from any educational record relating to the applicant, and
  - (c) that information is sufficient to satisfy the registration officer as to the applicant’s identity.
- (9) In this regulation, “Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man.

**Commencement Information**

**I7** Reg. 7 in force at 16.1.2023, see [reg. 1\(3\)](#)

(32) Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and subsection (1) was further substituted by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(33) Sections 13A and 13B were inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000. Section 13A(2) was amended by paragraph 4 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was amended by section 11 of the Electoral Administration Act 2006 (c. 22); by section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006; by paragraph 3 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c. 13); by paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013; by paragraph 5 of Schedule 2 to the Recall of MPs Act 2015 (c. 25); and by S.I. 2018/1310. Section 13B is prospectively amended by section 18(8) of the Local Government and Elections (Wales) Act 2021 (asc 1) from a date and time to be appointed. Section 13BC was inserted by paragraph 7 of Schedule 2 to the Recall of MPs Act 2015.

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*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

### Registration officer's right to inspect certain records

8.—(1) A registration officer is authorised to inspect, for the purpose of determining identity document applications, records kept (in whatever form) by—

- (a) an authority listed in paragraph (2), or
  - (b) any person providing services to, or authorised to exercise any function of, any such authority.
- (2) Those authorities are—
- (a) the council by which the registration officer was appointed,
  - (b) where the council by which the registration officer was appointed is a council for a district in a county for which there is a county council, that county council, and
  - (c) any superintendent registrar of births, deaths and marriages, registrar of births and deaths or registrar of marriages.
- (3) A registration officer is authorised to make copies of information contained in such records.

#### Commencement Information

**18** Reg. 8 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Power to require information

9.—(1) A registration officer may require any person to give information required for the purpose of determining an identity document application.

(2) A registration officer may not use the power conferred by paragraph (1) to require an applicant to provide information to assist the registration officer in determining, in connection with that person's application, whether that applicant is the person named in that application.

(3) If a person fails to comply with a requisition under paragraph (1), that person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**19** Reg. 9 in force at 16.1.2023, see [reg. 1\(3\)](#)

## PART 3

### Determination of applications

VALID FROM 16/01/2023

### Postponement of determination of identity document applications

10.—(1) Where an identity document application is received by a registration officer during the postponement period for a relevant election, petition or referendum held in the area for which the registration officer is appointed, the registration officer—

- (a) must not determine the application in accordance with regulation [11\(2\)](#) before the postponement date, and

- (b) subject to paragraph (2), must notify the applicant that the application will not be determined before that date.
- (2) Paragraph (1)(b) does not apply where the application is received by the registration officer on the postponement date.
- (3) In this regulation—
  - (a) the “postponement date” in relation to a relevant election, petition or referendum means—
    - (i) the relevant date of that election, petition or referendum, or
    - (ii) where the date under paragraph (i) falls within the postponement period for a subsequent relevant election, petition or referendum held in the area for which the registration officer is appointed, the working day before the date under paragraph (i);
  - (b) the “postponement period” for a relevant election, petition or referendum is the period—
    - (i) beginning at 5pm on the sixth working day before the relevant date, and
    - (ii) ending at 10pm on the relevant date;
  - (c) the “relevant date” in relation to a relevant election, petition or referendum means the day of the poll or, in the case of a recall petition, the last day of the signing period for that petition;
  - (d) “working day” means any day other than a Saturday, Sunday, Good Friday, Christmas Eve, Christmas Day or a bank holiday.

#### Commencement Information

**110** Reg. 10 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

#### Determination of identity document applications

- 11.—(1)** A registration officer may refuse an identity document application where—
- (a) the registration officer has required the applicant to provide additional evidence in accordance with regulation 7, and
  - (b) the applicant has failed or refused to comply with that requirement on or before the evidence submission date described in regulation 7(2)(a)(i).
- (2) Except where an identity document application is refused in accordance with paragraph (1), the registration officer must—
- (a) grant an identity document application if the registration officer is satisfied that the following conditions are met—
    - (i) conditions 1 and 2, and
    - (ii) either condition 3 or 4, or
  - (b) refuse the application if not so satisfied.
- (3) Condition 1 is that the application meets the requirements set out in regulation 4(1) to (3).
- (4) Condition 2 is that the applicant is the person named in the application.

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- (5) Condition 3 is that—
- (a) the applicant is registered in a register of parliamentary electors in Great Britain, or a register of local government electors in England, which is maintained by the registration officer, or
  - (b) the registration officer is required to enter the applicant in such a register in accordance with section 10ZC(1) of the 1983 Act.
- (6) Condition 4 is that—
- (a) either—
    - (i) the applicant is registered in a register of local government electors in Wales which is maintained by the registration officer, or
    - (ii) the registration officer is required to enter the applicant in that register in accordance with section 10ZC(1) of the 1983 Act, and
  - (b) the applicant is entitled to vote at an election of a police and crime commissioner for a police area in Wales in accordance with section 52(1A) of the Police Reform and Social Responsibility Act 2011<sup>(34)</sup>, or will be so entitled on attaining the age of 18.

#### Commencement Information

**III** Reg. 11 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

#### Notification following determination

**12.—(1)** Where a registration officer grants or refuses an identity document application, the registration officer must notify the applicant of that determination, together with any other information required by this regulation.

(2) Where the registration officer grants the identity document application, the registration officer must also notify the applicant whether the electoral identity document or, as the case may be, the anonymous elector's document to be issued to the applicant will be delivered to the applicant by post or made available for collection by the applicant, as determined in accordance with regulation 17.

(3) Where the registration officer refuses an identity document application, the registration officer must also notify the applicant of—

- (a) the reason for that refusal,
- (b) the right of appeal under section 56(1)(ac) of the 1983 Act<sup>(35)</sup>, and
- (c) the time in which any notice of appeal under that section must be given (in accordance with regulation 13(1)).

(4) Where the registration officer notifies the applicant other than by written notification, the registration officer must, as soon as reasonably practicable after that notification send a written

<sup>(34)</sup> Section 52(1A) was inserted by section 8(8) of the Wales Act 2017 (c. 4).

<sup>(35)</sup> Section 56(1) was amended by paragraph 1 of Schedule 2, and paragraph 16 of Schedule 4, to the Representation of the People Act 1985 (c. 50); by paragraph 14 of Schedule 1 to the Representation of the People Act 2000 (c. 2); by paragraph 8 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); by paragraph 18 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); and by paragraph 5 of Schedule 1 to the Elections Act 2022 (c. 37). It is prospectively amended by section 18(9) of the Local Government and Elections (Wales) Act 2021 (asc 1) from a date and time to be appointed.

notification containing the same information to the relevant delivery address (which has the same meaning as in regulation 4(7)).

#### Commencement Information

**I12** Reg. 12 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

#### Appeal following determination

**13.—**(1) A person who wishes to appeal under section 56(1)(ac) of the 1983 Act against the decision of a registration officer to refuse an identity document application must give notice of the appeal to the registration officer, before the end of the period of 14 days beginning with the day on which the notification under regulation 12 is given, specifying the grounds of the appeal.

(2) Where regulation 12(4) applies in respect of the refusal, the reference to notification in paragraph (1) is to be read as the first notification under regulation 12 to that person.

(3) The registration officer must forward any such notice to the relevant court in the manner directed by rules of court together with a statement setting out—

- (a) the material facts which in the registration officer’s opinion have been established in the case,
- (b) the registration officer’s decision, and
- (c) the registration officer’s representations on any point specified as a ground of appeal.

(4) The registration officer must also give to the relevant court any other information which the court may require and which the registration officer is able to give.

(5) Where it appears to a registration officer that any notices of appeal given to the registration officer are based on similar grounds, the registration officer must inform the relevant court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

(6) In this regulation, “relevant court”—

- (a) where the registration officer is appointed for an area in England or Wales, means the county court;
- (b) where the registration officer is appointed for an area in Scotland, means the sheriff.

#### Commencement Information

**I13** Reg. 13 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Processing of information provided in connection with an identity document application

**14.—**(1) If a person provides an original document under regulation 7(3), (4) or (5), the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In the remainder of this regulation, the “relevant documents and information” in respect of an identity document application means—

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- (a) the application form or, in the case of an application made through the digital service, the information contained in the application, and
  - (b) any other information or documents provided to the registration officer in connection with the application or, in the case of original documents which are returned under paragraph (1), a copy of such documents.
- (3) The registration officer must retain the relevant documents and information—
- (a) where the registration officer grants the identity document application, for the period of 28 working days beginning with the day on which the registration officer granted the application;
  - (b) where the registration officer refuses the identity document application, for the period of 12 months beginning with the day on which the registration officer refused that application.
- (4) Information disclosed under regulation 6 must not be disclosed to any other person, except—
- (a) for the purpose of determining the application in connection with which the information was disclosed, or
  - (b) for the purpose of any civil or criminal proceedings.
- (5) A person who discloses information in breach of paragraph (4) is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine (or both);
  - (b) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or to a fine (or both);
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).
- (6) Any information disclosed under regulation 6 must be processed in accordance with any requirements as to the processing of information that may have been imposed by the Secretary of State for Levelling Up, Housing and Communities in writing in advance of that processing, including requirements as to the transfer, storage, destruction and security of that information.
- (7) In this regulation—
- “copy” includes an electronic copy;
  - “working day” means any day other than a Saturday, Sunday, Good Friday, Christmas Eve, Christmas Day or a bank holiday;
  - “bank holiday” means—
    - (a) where the registration officer is appointed for an area in England or Wales, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales;
    - (b) where the registration officer is appointed for an area in Scotland, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Scotland.

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**Commencement Information**

**I14** Reg. 14(1)-(5)(7) in force at 16.1.2023, see **reg. 1(3)**

**I15** Reg. 14(6) in force at 13.1.2023, see **reg. 1(2)**



VALID FROM 16/01/2023

## PART 4

Design, issuing, delivery, collection etc. of electoral identity documents, anonymous elector's documents etc.

### CHAPTER 1

Design of documents

#### **Design of electoral identity documents, anonymous elector's documents, etc.**

- 15.—**(1) The Electoral Commission must design the following—
- (a) an anonymous elector's document;
  - (b) an electoral identity document;
  - (c) a temporary electoral identity document;
  - (d) a dual Welsh and English version of each of the designs referred to in sub-paragraphs (a) to (c).
- (2) A document designed by the Electoral Commission in accordance with paragraph (1) must meet the requirements for that document as set out in Schedule 3.
- (3) The Electoral Commission must make available—
- (a) each of the designs referred to in paragraph (1)(a) to (c) to a registration officer who is appointed for an area in England or Scotland;
  - (b) the dual Welsh and English version of each of the designs referred to in paragraph (1) (a) to (c) to a registration officer who is appointed for an area in Wales.
- (4) The Electoral Commission may design a revised version of a document designed in accordance with paragraph (1), and where the Electoral Commission does so—
- (a) paragraphs (2) and (3) apply to a revised version as they apply to the document designed in accordance with paragraph (1), and
  - (b) the design of a revised version of a document referred to in paragraph (1) does not invalidate any previous version of the document issued under these Regulations before the day on which the revised version is made available to the registration officer.

#### **Commencement Information**

**I16** Reg. 15 in force at 16.1.2023, see [reg. 1\(3\)](#)

### CHAPTER 2

Issuing and delivery or collection of electoral identity documents and anonymous elector's documents

#### **Issuing of electoral identity documents and anonymous elector's documents**

- 16.—**(1) Where the registration officer grants an identity document application, the registration officer must issue the applicant with an electoral identity document or, as the case may be, an anonymous elector's document which must—

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- (a) use the version of the design for that document most recently made available to the registration officer in accordance with regulation 15,
- (b) state—
  - (i) in the case of an electoral identity document, the applicant’s full name,
  - (ii) in the case of an anonymous elector’s document, the applicant’s electoral number,
- (c) contain the photograph of the applicant provided in accordance with regulation 4(3),
- (d) state the date of issue,
- (e) state an appropriate identifier, and
- (f) in the case of an electoral identity document, state—
  - (i) the name of the local authority by which the registration officer is appointed, and
  - (ii) states the recommended renewal date for the document.
- (2) In paragraph (1)(b)(ii), the applicant’s “electoral number” is the number—
  - (a) allocated to the applicant as stated in the register of electors, or
  - (b) where an entry related to the applicant is added to the register in pursuance of a notice issued under section 13A(2), 13AB(2), 13B(3), (3B) or (3D) or 13BC(3) or (6) of the 1983 Act, as stated in the copy of that notice.
- (3) In paragraph (1)(e), an “appropriate identifier” is an identifier made up of up to 20 numbers or letters which—
  - (a) is allocated by the registration officer in respect of an electoral identity document or, as the case may be, an anonymous elector’s document, and
  - (b) is not an identifier allocated by that registration officer in respect of any other electoral identity document or anonymous elector’s document.
- (4) In paragraph (1)(f)(ii), the “recommended renewal date” for an electoral identity document is the date which is the tenth anniversary of the date of issue of that document.

#### **Commencement Information**

**I17** Reg. 16 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Delivery or collection of issued electoral identity documents and anonymous elector’s documents**

**17.—(1)** Subject to paragraph (3), the registration officer must arrange for an electoral identity document or anonymous elector’s document issued in accordance with regulation 16 (“the issued document”) to be delivered by post to the applicant’s relevant delivery address (which has the meaning given in regulation 4(7)).

(2) An anonymous elector’s document to which paragraph (1) applies must be delivered in an envelope or other form of covering so as not to disclose to any other person that the applicant has an anonymous entry.

(3) The registration officer may arrange for the issued document to be made available for collection by the applicant in person (instead of arranging delivery in accordance with paragraph (1)) where—

- (a) an indication is given by the applicant in accordance with regulation 4(1)(f), and
- (b) the registration officer considers that it is necessary to make the issued document available for collection to ensure that the applicant receives the issued document.

(4) Where an issued document is made available for collection in accordance with paragraph (3), the registration officer must notify the applicant—

- (a) that the issued document is available to be collected,
- (b) of the location where, and the times during which, the issued document may be collected, and
- (c) that the issued document may only be collected by the applicant in person, and
- (d) where the issued document is an anonymous elector’s document, that the applicant must bring their certificate of anonymous registration when collecting the document, and must show the certificate upon request.

(5) Where the applicant gives an indication in accordance with regulation 4(1)(h), the registration officer must also arrange for a Braille, easy read or large print explanation of the issued document to be delivered or made available for collection (as the case may be) with the issued document.

(6) In paragraph (4)(d), “certificate of anonymous registration” means the certificate issued to an anonymous elector in accordance with regulation 45G of the Representation of the People (England and Wales) Regulations 2001 or regulation 45F of the Representation of the People (Scotland) Regulations 2001.

(7) The registration officer may combine a notification under paragraph (4) with a notification under regulation 12.

**Commencement Information**

**118** Reg. 17 in force at 16.1.2023, see [reg. 1\(3\)](#)

CHAPTER 3

Issuing of temporary electoral identity documents

**Issuing of temporary electoral identity documents**

**18.—(1)** This regulation applies where, at any time during the relevant period for a relevant election, petition or referendum, a registration officer issues an applicant with an electoral identity document in accordance with regulation 16.

(2) The registration officer may also issue the applicant with a temporary electoral identity document where the registration officer is satisfied that the issued electoral identity document may not be delivered in time to the applicant for the applicant to be able to use that document at the relevant election, petition or referendum.

(3) In paragraph (1), “the relevant period” in relation to a relevant election, petition or referendum means the period—

- (a) beginning at 5pm on the sixth working day before the relevant date, and
- (b) ending at—
  - (i) where the relevant election, petition or referendum is a recall petition—
    - (aa) 5pm on the relevant date, or
    - (bb) if earlier, the beginning of the final hour during which the petition will be available for signing at the allotted petition signing place on the relevant date;
  - (ii) otherwise, 5pm on the relevant date.

(4) In paragraph (3)—

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- (a) “allotted petition signing place” means the petition signing place allotted to the applicant in accordance with regulation 16 of the 2016 Regulations;
- (b) the “relevant date” is—
  - (i) where the relevant election, petition or referendum is a recall petition, the last day of the signing period for that petition;
  - (ii) otherwise, the date of the poll at that election or referendum;
- (c) “working day” means any day other than a Saturday, Sunday, Good Friday, Christmas Eve, Christmas Day or a bank holiday.

#### Commencement Information

**119** Reg. 18 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Temporary electoral identity documents: supplemental

**19.—(1)** A temporary electoral identity document issued in accordance with regulation 18 is valid only on the relevant date.

(2) The registration officer must ensure that a temporary electoral identity document issued to an applicant in accordance with regulation 18 (“the issued temporary document”)—

- (a) use the version of the design for that document most recently made available to the registration officer in accordance with regulation 15,
- (b) states—
  - (i) the applicant’s full name,
  - (ii) the date of issue,
  - (iii) the name of the local authority by which the registration officer is appointed,
  - (iv) an appropriate identifier,
  - (v) the date for which the issued temporary document is valid,
- (c) contains the photograph of the applicant provided in accordance with regulation 4(3), and
- (d) is signed by the registration officer.

(3) In paragraph (2)(b)(iv), an “appropriate identifier” is an identifier made up of up to 20 numbers or letters which—

- (a) is allocated by the registration officer in respect of an issued temporary document, and
- (b) is not an identifier allocated by that registration officer in respect of any other temporary electoral identity document which is valid on the same date.

(4) The registration officer must, in relation to the issued temporary document—

- (a) arrange for the issued temporary document to be made available for collection by the applicant in person,
- (b) notify the applicant—
  - (i) that the issued temporary document is available to be collected,
  - (ii) of the location where and the times during which the issued document may be collected, and
  - (iii) that the issued temporary document may only be collected by the applicant in person, and

- (c) update the issued document record entry relating to the electoral identity document referred to in regulation 18(1) accordingly.
- (5) Where the applicant gives an indication in accordance with regulation 4(1)(h), the registration officer must also arrange for a Braille, easy read or large print explanation of the issued temporary document to be made available for collection with the issued temporary document.
- (6) The registration officer may combine a notification under paragraph (4)(b) with a notification under regulation 12.
- (7) In paragraph (1), “the relevant date” has the meaning given in regulation 18(4)(b).

**Commencement Information**

**I20** Reg. 19 in force at 16.1.2023, see [reg. 1\(3\)](#)

CHAPTER 4

Record of issued documents

**Record of anonymous elector’s documents and electoral identity documents**

**20.—(1)** A registration officer must keep a record of all anonymous elector’s documents and electoral identity documents issued by the registration officer (in this Chapter, “the record”).

- (2) The registration officer must—
  - (a) as soon as reasonably practicable after issuing an anonymous elector’s document or electoral identity document in accordance with regulation 16, 29 or 30(3), make an entry in the record for that document;
  - (b) keep entries related to electoral identity documents in a separate part of the record from those related to anonymous elector’s documents.
- (3) An entry made in accordance with paragraph (2)(a) must contain the following—
  - (a) the date of issue and the appropriate identifier of the document;
  - (b) the full name of the person to whom the document was issued;
  - (c) the address provided by the person in accordance with regulation 4(1)(b);
  - (d) any address provided by the person in accordance with regulation 4(1)(c);
  - (e) any indication given by the person in accordance with regulation 4(1)(f);
  - (f) any indication given by the person in accordance with regulation 4(1)(h);
  - (g) a copy of the person’s photograph provided in accordance with regulation 4(3);
  - (h) any email address or telephone number provided in accordance with regulation 4(4);
  - (i) in respect of an electoral identity document, the name of the local authority by which the registration officer is appointed;
  - (j) an indication of whether a temporary electoral identity document was also issued in accordance with regulation 18, and if so—
    - (i) the appropriate identifier of that temporary electoral identity document, and
    - (ii) the relevant date (which has the meaning given in regulation 18(4)(b)).
- (4) Where—
  - (a) an anonymous elector’s document is issued in accordance with regulation 29 or 30(3), the reference in paragraph (3)(g) to a photograph provided in accordance with

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regulation 4(3) is to be read as a reference to the photograph contained in the issued document record entry for the anonymous elector’s document referred to in regulation 27(1)(a) or 30(1)(a) (as the case may be);

- (b) an anonymous elector’s document is issued in accordance with regulation 29—
- (i) the reference in paragraph (3)(c) to the address provided in accordance with regulation 4(1)(b) is to be read as a reference to the address referred to in regulation 29(4)(a)(ii)(cc);
  - (ii) the reference in paragraph (3)(d) to any address provided in accordance with regulation 4(1)(c) is to be read as a reference to an address referred to in regulation 29(4)(a)(ii)(aa) or (bb);
  - (iii) the reference in paragraph (3)(e) to regulation 4(1)(f) is to be read as a reference to regulation 28(d).

(5) The registration officer must—

- (a) delete any information included in an entry in accordance with paragraph (3)(c) to (f) and (h) at the end of the first retention period for that entry;
- (b) delete any information included in an entry in accordance with paragraph (3)(j) at the end of the second retention period for that entry;
- (c) delete an entry from the record at the end of the third retention period for that entry.

(6) In paragraph (5), in relation to an entry in the record—

- (a) “the first retention period” is the period beginning with the day on which the entry is made and ending—
  - (i) where the entry relates to an electoral identity document, ending with the day which is 28 working days after the date of issue for that document;
  - (ii) where the entry relates to an anonymous elector’s document, ending with the day which is 15 months after the date of issue for that document;
- (b) “the second retention period” is the period beginning with the day on which the entry is made and ending on the second 1st July following the date of issue for the electoral identity document to which the entry relates;
- (c) “the third retention period” is the period beginning with the day on which the entry is made and ending on the tenth 1st July following the date of issue for the anonymous elector’s document or electoral identity document to which the entry relates.

(7) In paragraph (6)(a)(i), “working day” means any day other than a Saturday, Sunday, Good Friday, Christmas Eve, Christmas Day or a bank holiday; and for these purposes “bank holiday” has the meaning given in regulation 14(7).

#### **Commencement Information**

**I21** Reg. 20 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Duties of registration officer and staff in relation to the record**

**21.—(1)** This regulation applies to—

- (a) a registration officer,
- (b) a deputy registration officer, and

- (c) any person appointed to assist any such officer or who in the course of the person's employment is assigned to assist such officer in that officer's functions under section 13BD or 13BE of the 1983 Act.
- (2) Where a registration officer is also the relevant officer at any relevant election, petition or referendum, this regulation applies to—
- (a) the registration officer acting in that capacity,
  - (b) any person appointed as a deputy to the registration officer acting in that capacity, and
  - (c) any person appointed to assist a person mentioned in sub-paragraph (a) or (b) or who in the course of the person's employment is assigned to assist a person mentioned in sub-paragraph (a) or (b) in respect of the relevant election, petition or referendum in question.
- (3) This regulation also applies to a person—
- (a) to whom a copy of the record is supplied or information from the record is disclosed in accordance with paragraph (4), and
  - (b) who is not a person to whom this regulation applies by virtue of paragraph (1) or (2).
- (4) A person to whom this regulation applies must not—
- (a) supply to any person a copy of the record,
  - (b) disclose information contained in it, or
  - (c) make use of such information,
- otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.
- (5) Nothing in paragraph (4) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with either person's functions under section 13BD or 13BE of the 1983 Act or for the purposes of a relevant election, petition or referendum.
- (6) A person to whom this regulation applies must take proper precautions for the safe custody of the record.
- (7) In paragraph (4), "enactment" has the same meaning as in section 17(2) of the Representation of the People Act 2000<sup>(36)</sup>.
- (8) In this regulation and in regulations 22 and 23, "record" includes a part of the record.

**Commencement Information**

**I22** Reg. 21 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Supply, disclosure and use of record for the purposes of relevant elections, petitions and referendums**

- 22.**—(1) A registration officer may upon request supply a copy of the record to a relevant officer for the purposes of a relevant election, petition or referendum.
- (2) A person to whom a copy of the record has been supplied under this regulation must not—
- (a) supply to any person a copy of the record,
  - (b) disclose any information contained in it, or
  - (c) make use of any such information,

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other than for the purposes of a relevant election, petition or referendum (as the case may be).

(3) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

#### Commencement Information

**I23** Reg. 22 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Supply of the record to police forces and other organisations

**23.—(1)** Subject to paragraph (2), a registration officer must upon request supply a copy of the record to—

- (a) any police force in Great Britain,
- (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland (Reserve),
- (c) any body of constables established under an Act, or
- (d) the National Crime Agency.

(2) The registration officer must not supply a copy of the record in accordance with paragraph (1) where that record contains the whole or part of an issued document record entry relating to an anonymous elector's document unless the request is made in writing by—

- (a) in the case of forces and organisations mentioned in paragraph (1)(a) to (c), an officer of a rank senior to that of superintendent;
- (b) in the case of the National Crime Agency, the Director General of that Agency.

(3) A constable, officer or employee of any of the forces or organisations mentioned in paragraph (1) must not—

- (a) supply to any person a copy of the record,
- (b) disclose any information contained in it, or
- (c) make use of any such information,

otherwise than for the purposes of the prevention and detection of crime and the enforcement of the criminal law (whether in England and Wales or Scotland or elsewhere).

(4) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

(5) Paragraphs (3) and (4) also apply to a person—

- (a) to whom a copy of the record is supplied or information from the record is disclosed in accordance with paragraph (3), and
- (b) who is not a constable, officer or employee of any of the forces or organisations mentioned in paragraph (1);

as those paragraphs apply to such a constable, officer or employee.

#### Commencement Information

**I24** Reg. 23 in force at 16.1.2023, see [reg. 1\(3\)](#)



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**Offence in respect of contravention of regulation 21(4) or (6), 22(2) or (3) or 23(3) or (4)**

24.—(1) A person (“B”) who fails to comply with regulation 21(4) or (6) or 22(2) or (3) is guilty of an offence and is liable on summary conviction—

- (a) in England and Wales, to a fine;
- (b) in Scotland, to a fine not exceeding the statutory maximum.

(2) A person (“B”) who fails to comply with regulation 23(3) or (4) is guilty of an offence and is liable on summary conviction—

- (a) in England and Wales, to a fine;
- (b) in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.

(3) It is a defence for B to show that B took all reasonable steps to comply with regulation 21(4) or (6), 22(2) or (3) or 23(3) or (4) (as the case may be).

**Commencement Information**

**I25** Reg. 24 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

**PART 5**

**Anonymous elector’s documents: reminders and replacement**

**CHAPTER 1**

**Reminders**

**Reminder of the need for an anonymous elector’s document: general**

25.—(1) In this regulation and in regulation 26, a “reminder” is a notice to a person stating that they must have an anonymous elector’s document in order to—

- (a) vote in person as an anonymous elector at a relevant election, petition or referendum other than a recall petition, or
  - (b) sign a signing sheet as a person with an anonymous entry in the register at a recall petition.
- (2) A registration officer must send a reminder to—
- (a) a person as soon as reasonably practicable after the registration officer makes an anonymous entry in a register of parliamentary electors or a register of local government electors in England or Wales for that person in accordance with section 9B(3)(b) of the 1983 Act<sup>(37)</sup>;
  - (b) a qualifying anonymous elector during the relevant period.
- (3) Paragraph (2)(a) does not apply to a person who—
- (a) has an anonymous entry in a register of local government electors in Wales, and

<sup>(37)</sup> Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22), and was amended by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and by paragraph 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

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- (b) is not entitled to vote at a PCC election for a police area in Wales in accordance with section 52(1A) of the Police Reform and Social Responsibility Act 2011.
- (4) In paragraph (2)(b), a “qualifying anonymous elector” is a person who—
- (a) has an anonymous entry in—
    - (i) a register of parliamentary electors,
    - (ii) a register of local government electors in England, or
    - (iii) a register of local government electors in Wales and that person is entitled to vote at a PCC election for a police area in Wales in accordance with section 52(1A) of the Police Reform and Social Responsibility Act 2011;
  - (b) has not been issued with an anonymous elector’s document at any time between the date on which that anonymous entry first takes effect and the beginning of the relevant period, and
  - (c) in the event of a relevant election, petition or referendum other than a recall petition, would not have an entry in the postal voters list or the list of proxies.
- (5) The registration officer may combine a reminder under paragraph (1)(b) with a reminder under regulation 25A(2) of the Representation of the People (England and Wales) Regulations 2001 or regulation 25A(2) of the Representation of the People (Scotland) Regulations 2001 (reminder of termination of registration of person with anonymous entry).
- (6) In this regulation—
- (a) “the list of proxies” means the list of persons kept in pursuance of—
    - (i) in relation to a relevant election, petition or referendum which is a PCC election, paragraph 4(3) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
    - (ii) otherwise, paragraph 5(3) of Schedule 4 to the Representation of the People Act 2000;
  - (b) “the postal voters list” means the list of persons kept in pursuance of—
    - (i) in relation to a relevant election, petition or referendum which is a PCC election, paragraph 4(2) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
    - (ii) otherwise, paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000<sup>(38)</sup>;
  - (c) “the relevant period” means the period—
    - (i) beginning with the day which is nine months after the day on which the person’s anonymous entry first takes effect, and
    - (ii) ending with the day which is ten months after the day on which that entry first takes effect.

#### Commencement Information

**I26** Reg. 25 in force at 16.1.2023, see [reg. 1\(3\)](#)

<sup>(38)</sup> Paragraph 5(2) was amended by paragraph 137(6) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

### **Reminder of the need for an anonymous elector’s document: transitional provision**

26.—(1) Subject to paragraph (2), a registration officer must send a reminder to all qualifying anonymous electors registered in a register for which the registration officer is appointed no later than the end of the period of two months beginning with the day on which this regulation comes into force.

(2) Paragraph (1) does not apply in respect of a qualifying anonymous elector where, during the period described in paragraph (1)—

- (a) the qualifying anonymous elector’s entry is removed from the register of electors in accordance with section 9C of the 1983 Act<sup>(39)</sup>;
- (b) the registration officer sends a reminder to the qualifying anonymous elector in accordance with regulation 25.

(3) In this regulation, a “qualifying anonymous elector” means a person who, on the day on which this regulation comes into force, has an anonymous entry in—

- (a) a register of parliamentary electors,
- (b) a register of local government electors in England, or
- (c) a register of local government electors in Wales and that person is entitled to vote at a PCC election for a police area in Wales in accordance with section 52(1A) of the Police Reform and Social Responsibility Act 2011.

#### **Commencement Information**

**I27** Reg. 26 in force at 16.1.2023, see [reg. 1\(3\)](#)

## **CHAPTER 2**

Replacement of anonymous elector’s documents: change of electoral number

### **Application and interpretation of Chapter 2**

27.—(1) This Chapter applies where—

- (a) a person has been issued with an anonymous elector’s document in accordance with these Regulations, and
- (b) the person is allocated an electoral number which is different from the one shown on that document, other than as the result of an application under section 9B of the 1983 Act (anonymous registration).

(2) In this Chapter, “electoral number” has the same meaning as in regulation 16(2).

#### **Commencement Information**

**I28** Reg. 27 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Notification as to replacement**

28. The registration officer must notify a person to whom this Chapter applies that—

- (a) the person’s electoral number has changed,

(39) Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22), and was amended by paragraph 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

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- (b) the anonymous elector's document previously issued to the person is no longer valid as a result,
- (c) the registration officer intends to issue the person with a new anonymous elector's document, and
- (d) the person may notify the registration officer if the person considers that it is necessary to collect the document in person from the registration officer instead of the document being delivered by post, and the reason why the person considers that collection is necessary.

#### Commencement Information

**I29** Reg. 28 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Replacement of anonymous elector's document following change of electoral number

**29.—(1)** A registration officer must issue a person to whom this Chapter applies by virtue of regulation [27\(1\)](#) with a new anonymous elector's document and regulations [16\(1\)](#) and [17](#) apply in relation to the issue of the new document as those regulations apply following the granting of an identity document application in accordance with regulation [11\(2\)\(a\)](#), subject to the modifications set out in paragraphs (2) to (4).

(2) References to the applicant are to be read as references to the person issued with a document under this regulation.

(3) In regulation [16\(1\)\(c\)](#), the reference to the photograph of the applicant is to be read as a reference to the photograph of the person contained in the issued document record entry relating to the anonymous elector's document described in regulation [27\(1\)\(a\)](#).

(4) In regulation [17](#)—

(a) in paragraph (1)—

(i) the reference to regulation [16](#) is to be read as a reference to this regulation;

(ii) the reference to the applicant's relevant delivery address is to be read as a reference to—

(aa) where the person is registered in pursuance of a service declaration, the person's present address, correspondence address or British Forces Post Office Number;

(bb) where the person is registered in pursuance of an overseas elector's declaration, the person's present address;

(cc) otherwise, the address in respect of which the person is registered as an elector;

(b) in paragraph (3)(a), the reference to regulation [4\(1\)\(f\)](#) is to be read as a reference to regulation [28\(d\)](#);

(c) in paragraph (7), the reference to a notification under regulation [12](#) is to be read as a reference to a notification under regulation [28](#).

#### Commencement Information

**I30** Reg. 29 in force at 16.1.2023, see [reg. 1\(3\)](#)

## CHAPTER 3

### Replacement of anonymous elector's documents following loss etc. of document

#### **Replacement of anonymous elector's document following loss etc. of document**

**30.—**(1) This regulation applies where—

- (a) a person (“P”) has been issued with an anonymous elector’s document in accordance with these Regulations,
- (b) P intends to use that document as a specified document at a relevant election, petition or referendum, and
- (c) during the replacement period for that relevant election, petition or referendum the document is lost, stolen, destroyed or damaged so as to be no longer usable as a specified document.

(2) Where this regulation applies, P may make a request during the replacement period to the registration officer for a replacement anonymous elector’s document.

(3) Where P makes a request in accordance with paragraph (2), the registration officer must issue a replacement anonymous elector’s document (“the replacement document”), and regulation 16(1) applies in relation to the issue of the replacement document as that regulation applies following the granting of an identity document application in accordance with regulation 11(2)(a), subject to the following modifications—

- (a) references to the applicant are to be read as references to P;
- (b) in regulation 16(1)(c), the reference to the photograph of the applicant is to be read as a reference to the photograph of P contained in the issued document record entry relating to the anonymous elector’s document described in paragraph (1)(a).

(4) The registration officer must—

- (a) arrange for the replacement document to be made available for collection by P in person, and
- (b) notify P—
  - (i) that the replacement document is available to be collected,
  - (ii) of the location where and the times during which the replacement document may be collected,
  - (iii) that the replacement document may only be collected by P in person, and
  - (iv) that when collecting the issued document P must bring their certificate of anonymous registration and must show the certificate upon request.

(5) Where the issued document record entry relating to the anonymous elector’s document described in paragraph (1)(a) contains information described in regulation 20(3)(f), the registration officer must also arrange for a Braille, easy read or large print explanation of the replacement document to be made available for collection with the replacement document.

(6) In this regulation—

- (a) “certificate of anonymous registration” has the same meaning as in regulation 17(6);
- (b) the “replacement period”, in respect of a relevant election, petition or referendum means the period—
  - (i) beginning at 5pm on the sixth working day before the relevant date, and
  - (ii) ending at the relevant time on the relevant date.

(7) For the purposes of paragraph (6)(b)—

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- (a) the “relevant date” means—
- (i) where the relevant election, petition or referendum is a recall petition, the last day of the signing period for that petition;
  - (ii) otherwise, the day of the poll at that election or referendum;
- (b) the “relevant time” on the relevant date means—
- (i) 5pm, or
  - (ii) if earlier, where the relevant election, petition or referendum is a recall petition, the beginning of the final hour during which the petition will be available for signing at the allotted petition signing place on that day;
- (c) “working day” means any day other than a Saturday, Sunday, Good Friday, Christmas Eve, Christmas Day or a bank holiday.
- (8) In paragraph (7)(b), “allotted petition signing place” means the petition signing place allotted to P in accordance with regulation 16 of the 2016 Regulations.

**Commencement Information**

**I31** Reg. 30 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

## PART 6

### Ballot paper refusal lists and signing sheet refusal lists

#### Ballot paper refusal list at parliamentary elections

**31.** For the purposes of rule 29(3ZA) of Schedule 1 to the 1983 Act (parliamentary election rules: equipment of polling stations)(**40**), the prescribed form of the ballot paper refusal list is the form set out in Schedule 4.

**Commencement Information**

**I32** Reg. 31 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Inspection etc. of the completed ballot paper refusal list or signing sheet refusal list

**32.—(1)** This regulation applies where—

- (a) a person (“A”) requests a ballot paper or signing sheet (as the case may be) at a relevant election, petition or referendum—
  - (i) to vote at the election or referendum, or to sign the recall petition as proxy on behalf of another person (“B”), or
  - (ii) otherwise, to vote at the election or referendum or to sign the recall petition, and

(40) Rule 29(3ZA) was inserted by paragraph 15 of Schedule 1 to the Elections Act 2022 (c. 37).

- (b) A is refused that ballot paper or signing sheet in accordance with rule 35(3) or 37(1E) of the elections rules (including rule 37(1E) as applied by rule 38, 39 or 40 of the elections rules).
- (2) Where conditions 1 to 4 in this regulation are met, the list officer may—
  - (a) open the sealed packet containing the completed ballot paper refusal list or completed signing sheet refusal list (as the case may be) for that relevant election, petition or referendum,
  - (b) inspect the list, and
  - (c) disclose to A, B or the relevant officer (as the case may be) the information relating to A’s refusal.
- (3) Condition 1 is that a person requests disclosure of the information relating to A’s refusal from either—
  - (a) the list officer, or
  - (b) the relevant officer for the relevant election, petition or referendum, and the relevant officer requests disclosure of that information from the list officer.
- (4) Condition 2 is that the request for disclosure is made before the destruction of the completed ballot paper refusal list or completed signing sheet refusal list (as the case may be) in accordance with rule 57(1) of the elections rules.
- (5) Condition 3 is that the person requesting disclosure appears to the list officer or the relevant officer to be A or B (as the case may be).
- (6) Condition 4 is that A or B (as the case may be) provides to the list officer, or provides to the relevant officer and the relevant officer provides to the list officer, the following—
  - (a) where paragraph (1)(a)(i) applies, A’s name and address;
  - (b) where paragraph (1)(a)(ii) applies, A’s electoral number.
- (7) The list officer must—
  - (a) when opening the sealed packet and inspecting the completed ballot paper refusal list or signing sheet refusal list, ensure that no person other than the list officer can see any information contained in the list, and
  - (b) must re-seal the packet containing the completed ballot paper refusal list or signing sheet refusal list after inspecting the list in accordance with paragraph (2)(b).
- (8) Where the list officer discloses the information relating to A’s refusal to the relevant officer in accordance with paragraph (2)(c), the relevant officer—
  - (a) must disclose that information to A or B (as the case may be), and
  - (b) must not disclose that information to any other person.
- (9) In this regulation—
  - (a) “electoral number” has the meaning given in rule 40ZB(8) of the elections rules;
  - (b) the “information relating to A’s refusal” means—
    - (i) the reason for the refusal to deliver—
      - (aa) a ballot paper to A, as recorded on the completed ballot paper refusal list in accordance with rule 40ZB(2)(b) or (3)(b) of the elections rules, or
      - (bb) a signing sheet to A, as recorded on the completed signing sheet refusal list in accordance with regulation 30A(2)(b) or (3)(b) of the 2016 Regulations, and

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- (ii) any note relating to A which is added to such a list in accordance with rule 40ZB(5) or (6) of the elections rules;
- (c) “list officer”—
  - (i) in respect of a recall petition in England or Wales, means the registration officer described in regulation 44(3)(a) of the 2016 Regulations;
  - (ii) in respect of a relevant election, petition or referendum in England or Wales other than a recall petition, means the relevant registration officer as defined by rule 55(1A) of the elections rules;
  - (iii) in respect of a relevant election, petition or referendum in Scotland, means the relevant officer;
- (d) “relevant election, petition or referendum” does not include a parliamentary general election to which paragraph 18 of Schedule 1 to the Elections Act 2022 does not apply.

#### Commencement Information

**I33** Reg. 32 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

## PART 7

### Rule 40B of the elections rules: collection and collation of information

#### Application of rule 40B of the parliamentary election rules

**33.** Rule 40B of Schedule 1 to the 1983 Act (collection and disclosure of information relating to applications made under rules 37 to 40)**(41)** applies in relation to a parliamentary general election described in section 59A(2) of the 1983 Act**(42)**.

#### Commencement Information

**I34** Reg. 33 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Collection of information by the presiding officer

**34.—(1)** This regulation and regulation [35](#) apply in relation to—

- (a) a parliamentary general election to which rule 40B of Schedule 1 to the 1983 Act applies, and
- (b) a local government election, a combined authority mayoral election or a local authority mayoral election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act applies.

(2) For the purposes of rule 40B(2) of the elections rules, the presiding officer must collect the following information—

**(41)** Rule 40B was inserted by paragraph 24 of Schedule 1 to the Elections Act 2022 ([c. 37](#)).

**(42)** Section 59A was inserted by paragraph 7 of Schedule 1 to the Elections Act 2022.



- (a) an indication whether the presiding officer or a clerk explained the voter identification requirements to each voter prior to the voter making an application under rule 37(1) of the elections rules;
  - (b) the number of voters to whom the presiding officer delivers a ballot paper in each of the following circumstances—
    - (i) following the production of an anonymous elector’s document by the voter;
    - (ii) following the production of an electoral identity document or a temporary electoral identity document by the voter;
  - (c) the number of voters who request the use of a private area of the polling station for the production of a document in accordance with rule 37(1B) of the elections rules;
  - (d) the number of voters to whom the presiding officer refuses to deliver a ballot paper in accordance with rule 35(3) or 37(1E)(a) or (b) of the elections rules;
  - (e) the number of voters to whom the presiding officer, having ascertained the elector’s name and address following that voter’s application under rule 37 of the elections rules, is unable to deliver a ballot paper for any of the following reasons—
    - (i) when asked to produce a specified document, the voter produces a document other than a specified document;
    - (ii) when asked to produce a specified document, the voter is unable to produce a specified document;
  - (f) in respect of each of sub-paragraphs (d) and (e), the number of such voters to whom the presiding officer subsequently delivers a ballot paper upon that person making a further application.
- (3) In paragraph (2)—
- (a) a reference to rule 37 of the elections rules includes a reference to that rule as applied by rule 38, 39 or 40 of the elections rules;
  - (b) a reference to a presiding officer delivering or refusing to deliver a ballot paper includes a reference to a presiding officer—
    - (i) causing or refusing to cause a voter’s vote to be marked on a ballot paper in accordance with paragraph (1) of rule 38 of the elections rules (votes marked by presiding officer);
    - (ii) granting or refusing an application under paragraph (1) of rule 39 of the elections rules (voting by persons with disabilities);
  - (c) a reference to a further application includes a reference to a person seeking a further time to mark a tendered ballot paper under the paragraph of rule 40 of the elections rules (tendered ballot papers) under which a previous such attempt was made;
  - (d) the “voter identification requirements” means rule 37(1A) to (1T) of the elections rules.

**Commencement Information**

**I35** Reg. 34 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Collation of information by relevant registration officer or returning officer**

- 35.—**(1) Paragraph (2) applies to the information provided to a collating officer—
- (a) by each presiding officer in accordance with rule 40B(2)(b) of the elections rules, or

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- (b) by the returning officer, in accordance with rule 40B(2)(b) and (3)(a) of the elections rules.
- (2) For the purposes of rule 40B(5)(b) of the elections rules, the collating officer must collate the information provided by—
  - (a) separating that information into two groups depending on whether the indication by the presiding officer in accordance with regulation 34(2)(a) is that the explanation described in that regulation was or was not given;
  - (b) for each group described in sub-paragraph (a), calculating the total number of voters for each category of information listed in regulation 34(2)(b) to (f).
- (3) In this regulation, the “collating officer”—
  - (a) in relation to an election held in England and Wales is the relevant registration officer (as defined in rule 40B(12)(b) of the elections rules);
  - (b) in relation to an election held in Scotland, is the returning officer.

#### Commencement Information

**I36** Reg. 35 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

## PART 8

### Amendments relating to the conduct of parliamentary elections

#### Amendment of the Representation of the People (Scotland) Regulations 1986

**36.** In regulation 98 of the Representation of the People (Scotland) Regulations 1986 (modification of parliamentary election rules)(**43**)—

- (a) omit paragraph (4);
- (b) for paragraphs (8) and (9) substitute—
  - “(8) In rule 35 (questions to be put to voters), in the questions specified in the second column of the table—
    - (a) for the words “this election”, wherever they appear, substitute “this Parliamentary election”;
    - (b) in question 3(b) after the words “here or elsewhere” insert “at this Parliamentary election”.
  - (9) In rule 37 (voting procedure and voter identification requirements: Great Britain), after paragraph (3) insert—
    - “(3A) The same copy of the register of electors or where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) of this Act may be used under paragraph (1) for each election and—
      - (a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(e) to

(43) S.I. 1986/1111, amended by S.I. 1990/629; there are other amending instruments but none is relevant.

- denote that a ballot paper has been issued in respect of each election;  
and
- (b) where a ballot paper has not been issued in respect of one election, a different mark must be placed in the register on the notice or in the list, so as to identify the election in respect of which the ballot paper was issued.”.”;
- (c) for paragraph (20) substitute—
- “(20) In rule 60 (death of independent candidate) after paragraph (5) insert—
- “(6) Neither the countermand of the notice of poll at the parliamentary election nor the direction that that poll be abandoned affects the poll at the local government election.”.
- (20A) In rule 63 (death of party candidate)—
- (a) after paragraph (2) insert—
- “(2A) Neither the countermand of the notice of poll at the parliamentary election nor the direction that that poll be abandoned affects the poll at the local government election.”;
- (b) in paragraph (3) after “with reference to the” insert “parliamentary”.
- (20B) In rule 64 (death of the Speaker of the House of Commons seeking re-election)—
- (a) after paragraph (2) insert—
- “(2A) Neither the countermand of the notice of poll at the parliamentary election nor the direction that that poll be abandoned affects the poll at the local government election.”;
- (b) in paragraph (3) after “with reference to the” insert “parliamentary”.
- (20C) For rule 65 (abandoned poll) substitute—
- “**65.**—(1) This rule applies to—
- (a) a poll at a parliamentary election which is abandoned in pursuance of rule 60(4)(b) as if it were a poll at a contested election;
- (b) a poll at a parliamentary election which is abandoned in pursuance of rule 63(2)(b) or 64(2)(b).
- (2) No further ballot papers at the parliamentary election must be issued in any polling station.
- (3) At the close of poll for the local government election the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he would be required to do if the poll at the parliamentary election had not been abandoned.
- (4) The returning officer must dispose of ballot papers used at the parliamentary election and other documents in his possession as he is required to do on the completion of the counting of votes.
- (5) It is not necessary for a parliamentary ballot paper account to be prepared or verified.
- (6) Having separated the ballot papers relating to the local government election, the returning officer must take no step or further step for the counting

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**Status:** Point in time view as at 13/01/2023. This version of this Instrument contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)

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of the ballot papers used at the parliamentary election or of the votes cast at the parliamentary election.

(7) The returning officer must seal up all the ballot papers used at the parliamentary election (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(8) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at a parliamentary election apply subject to paragraphs (9) and (10).

(9) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(10) No order is to be made for—

(a) the production or inspection of any ballot papers, or

(b) the opening of a sealed packet of the completed corresponding number list or of certificates as to employment on the day of the poll,

unless the order is made by a court with reference to a prosecution.”.”;

(d) for paragraph (21) substitute—

“(21) In the Appendix of forms, for the form of directions for the guidance of the voters in voting substitute—

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## How to vote at [this] [these] election(s)

1

Go to the desk and tell the staff your name and address. They will ask you to present your photographic identification. They will then give you your ballot papers.

You only need to present photographic identification if you want to vote in the UK Parliamentary election.



2

Take your ballot papers to a voting booth.



3

Read the instructions in the booth and mark your ballot papers.



4

When you have marked your ballot papers, fold them so that nobody can see how you have voted.



5

Put your folded ballot papers into the [appropriate] ballot box[es].



**(!) Voting is secret. Do not let anyone see how you have voted.**

**🗣️ If you make a mistake or need some help, just ask the staff.**

### Commencement Information

I37 Reg. 36 in force at 16.1.2023, see [reg. 1\(3\)](#)

*Status: Point in time view as at 13/01/2023. This version of this Instrument contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)

### **Amendment of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004**

**37.** In Schedule 2 to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (modifications to parliamentary elections rules)<sup>(44)</sup>—

- (a) in paragraph 6, in the inserted text—
  - (i) in paragraph (5), for “If” substitute “Subject to paragraph (6), if”;
  - (ii) after paragraph (5) insert—
    - “(6) Paragraph (5) does not apply in respect of the official poll card for a local government election in Wales.”;
- (b) in paragraph 19, in the inserted text, in paragraph (1A) after “(c)” insert “, (db)”;
- (c) in paragraph 25, in the substituted text, in paragraph (2)—
  - (i) omit the “or” after sub-paragraph (a);
  - (ii) after sub-paragraph (a) insert—
    - “(aa) the completed ballot paper refusal list, or”;
- (d) in the Appendix of Forms, for the form of directions for the guidance of the voters in voting substitute the corresponding form in Schedule 5.

#### **Commencement Information**

**I38** Reg. 37 in force at 16.1.2023, see [reg. 1\(3\)](#)

VALID FROM 16/01/2023

## **PART 9**

### **Amendment of the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001**

#### **Amendment of the Representation of the People (England and Wales) Regulations 2001**

**38.—(1)** The Representation of the People (England and Wales) Regulations 2001 are amended as follows.

(2) In regulation 31I (anonymous registration: evidence consisting of relevant court orders or injunctions), in paragraph (3), after sub-paragraph (s) insert—

“(t) except in relation to an application for an anonymous entry on a register of local government electors in Wales, a domestic abuse protection order within the meaning of section 27 of the Domestic Abuse Act 2021.”.

(3) In regulation 45F (supply of the record of anonymous entries to police forces and other organisations), in paragraph (1)(c), at the beginning insert “so far as the record relates to an anonymous entry in a register of local government electors in Wales.”.

(4) In regulation 52 (additional requirements for applications for the appointment of a proxy)

<sup>(44)</sup> S.I. 2004/294; relevant amending instruments are S.I. 2006/3278, 2014/920.

- (a) in paragraph (A1)(b), after “paragraph 6(7)” insert “or (8)”;
- (b) after paragraph (1) insert—
  - “(1A) Paragraph (1B) applies where—
    - (a) an application under paragraph 6(7) or (8) of Schedule 4 for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election or at a local government election in England is made by a person (“A”);
    - (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;
    - (c) at the time of making the application, B’s appointment remains in force; and
    - (d) A’s application is made on grounds relating to voter identification which relate to B.
  - (1B) Where this paragraph applies A’s application must—
    - (a) state that this paragraph applies, and
    - (b) state, to the best of A’s knowledge and belief, which of the conditions set out in regulation 56A apply in respect of B.
  - (1C) In paragraph (1A)—
    - (a) in sub-paragraph (a), the reference to an application under paragraph 6(8) of Schedule 4 includes such an application which is included in an application under paragraph 4(2) of Schedule 4(45);
    - (b) in sub-paragraph (d), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.
- (5) In regulation 55A (additional requirements for application for an emergency proxy vote in respect of a particular election), in the heading, at the end insert “: grounds relating to occupation, service or employment”.
- (6) After regulation 55A insert—

**“Additional requirements for application for an emergency proxy vote in respect of a particular parliamentary election or local government election in England: grounds relating to voter identification**

- 55B.**—(1) Subject to paragraph (2), this regulation applies to an application under paragraph 4(2) of Schedule 4 to which regulation 56(3D) applies.
- (2) This regulation does not apply where—
  - (a) the application under paragraph 4(2) of Schedule 4 includes an application under paragraph 6(8) of Schedule 4, and
  - (b) regulation 52(1B) applies to that application under paragraph 6(8).
- (3) Where this regulation applies, the application under paragraph 4(2) must (in addition to providing any other information required by this Part)—
  - (a) state that it is made on grounds relating to voter identification, and
  - (b) state which of the conditions set out in regulation 56A apply to the applicant.
- (4) (4) In this regulation, “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.
- (7) In regulation 56 (closing date for applications)—
  - (a) before paragraph (2) insert—

(45) Paragraph 4(2) of Schedule 4 to the Representation of the People Act 2000 (c. 2) was amended by section 14(8) of the Electoral Administration Act 2006 (c. 22).

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*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

“(1B) Paragraph (2) is subject to paragraph (2ZA).”;

(b) after paragraph (2) insert—

“(2ZA) An application under paragraph 6(7) of Schedule 4 which is made on grounds relating to voter identification must be disregarded for the purpose of a particular parliamentary or local government election in England if it is received by the registration officer after 5pm on the day of the poll at that election.”;

(c) before paragraph (3) insert—

“(2C) Paragraph (3) is subject to paragraph (3D).”;

(d) before paragraph (4) insert—

“(3D) Where an application is made under paragraph 4(2) or 6(8) of Schedule 4 in relation to a parliamentary election or a local government election in England on grounds relating to voter identification, the application must be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3E) In paragraphs (2ZA) and (3D), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.

(8) After regulation 56 insert—

**“Grounds relating to voter identification**

**56A.**—(1) For the purposes of this Part, an application is made on grounds relating to voter identification if it is made because the following apply to B—

- (a) condition 1, 2, 3 or 4 in this regulation, and
- (b) except where B has an anonymous entry on the register, condition 5.

(2) In this regulation, “B” means—

- (a) the applicant, where—
  - (i) the application is made under paragraph 4(2) of Schedule 4, and
  - (ii) regulation 52(1B) does not apply to the application made under paragraph 6(8) of Schedule 4 which is included in that application under paragraph 4(2);
- (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.

(3) Condition 1 is that—

- (a) immediately before the deadline, B has a specified document which B intends to use to vote in person at a parliamentary election or at a local government election in England, and
- (b) after that deadline, that document is—
  - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that election, or
  - (ii) sent by B to another person to prove B’s identity, and B considers it is unlikely to be returned to B on or before the day of poll at that election.

(4) Condition 2 is that—

- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
- (b) immediately before the deadline, B has not received that document, and
- (c) the application for the specified document has not been refused or withdrawn.



- (5) Condition 3 is that—
- (a) B has an anonymous entry on the register, and
  - (b) either—
    - (i) B has not been issued with an anonymous elector’s document, or
    - (ii) B has been issued with an anonymous elector’s document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) Condition 4 is that—
- (a) B has a temporary electoral identity document which is valid for use on the day of poll at a parliamentary election or a local government election in England, and
  - (b) before B is able to vote in person at such an election using that document, proceedings at B’s polling station are adjourned in accordance with rule 42 of the elections rules (adjournment of poll in case of riot).
- (7) Condition 5 is that B does not have access to another specified document.
- (8) In this regulation—
- (a) “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;
  - (b) the “deadline” means the time stated in regulation 56(2) or (3) after which, ignoring any other paragraphs in that regulation, an application under paragraph 4(2) or 6(7) or (8) of Schedule 4 must be disregarded or refused (as the case may be) by a registration officer;
  - (c) “specified document” has the meaning given in rule 37(1H) and (1K) of the elections rules.”.
- (9) In regulation 94 (restrictions on supply of full register and disclosure of information from it by the registration officer and his staff), after paragraph (4) insert—
- “(5) In this regulation, references to a registration officer’s registration duties include references to the officer’s functions under sections 13BD and 13BE of the 1983 Act.”.
- (10) In regulation 109 (supply of full register etc to police forces and other agencies), in paragraph (1)(e), at the beginning insert “in relation to a register of local government electors in Wales,”.
- (11) In Schedule 3 (forms)—
- (a) for Form A (official poll card to be sent to an elector voting in person), substitute the corresponding form in Part 1 of Schedule 6;
  - (b) for Form B (official proxy poll card to be sent to an appointed proxy voting in person), substitute the corresponding form in Part 1 of Schedule 6.

**Commencement Information**

- I39** Reg. 38(1)(3)-(11) in force at 16.1.2023, see [reg. 1\(3\)](#)
- I40** Reg. 38(2) not in force at made date, see [reg. 1\(4\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

### **Amendment of the Representation of the People (Scotland) Regulations 2001**

**39.**—(1) The Representation of the People (Scotland) Regulations 2001 are amended as follows.

(2) In regulation 31I (anonymous registration: evidence consisting of relevant court orders or injunctions), in paragraph (3), after sub-paragraph (s) insert—

“(t) in relation to an application for an anonymous entry on a register of parliamentary electors, a domestic abuse protection order within the meaning of section 27 of the Domestic Abuse Act 2021.”.

(3) In regulation 45E (supply of the record of anonymous entries to police forces and other organisations), in paragraph (1)(c), at the beginning insert “so far as the record relates to an anonymous entry in a register of local government electors,”.

(4) In regulation 52 (additional requirements for applications for the appointment of a proxy)

(a) in paragraph (A1)(b), after “paragraph 6(7)” insert “or (8)”;

(b) after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

- (a) an application under paragraph 6(7) or (8) of Schedule 4 for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election is made by a person (“A”);
- (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;
- (c) at the time of making the application, B’s appointment remains in force; and
- (d) A’s application is made on grounds relating to voter identification which relate to B.

(1B) Where this paragraph applies A’s application must—

- (a) state that this paragraph applies, and
- (b) state, to the best of A’s knowledge and belief, which of the conditions set out in regulation 56A apply in respect of B.

(1C) In paragraph (1A)—

- (a) in sub-paragraph (a), the reference to an application under paragraph 6(8) of Schedule 4 includes such an application which is included in an application under paragraph 4(2) of Schedule 4;
- (b) in sub-paragraph (d), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.

(5) In regulation 55A (additional requirements for application for an emergency proxy vote in respect of a particular election), in the heading, at the end insert “: grounds relating to occupation, service or employment”.

(6) After regulation 55A insert—

**“Additional requirements for application for an emergency proxy vote in respect of a particular parliamentary election: grounds relating to voter identification**

**55B.**—(1) Subject to paragraph (2), this regulation applies to an application under paragraph 4(2) of Schedule 4 to which regulation 56(3D) applies.

(2) This regulation does not apply where—

- (a) the application under paragraph 4(2) of Schedule 4 includes an application under paragraph 6(8) of Schedule 4, and
- (b) regulation 52(1B) applies to that application under paragraph 6(8).
- (3) Where this regulation applies, the application under paragraph 4(2) must (in addition to providing any other information required by this Part)—
  - (a) state that it is made on grounds relating to voter identification, and
  - (b) state which of the conditions set out in regulation 56A apply to the applicant.
- (4) (4) In this regulation, “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.
- (7) In regulation 56 (closing date for applications)—
  - (a) in paragraph (2), after “Subject to paragraph” insert “(2ZA) or”;
  - (b) after paragraph (2) insert—

“(2ZA) An application under paragraph 6(7) of Schedule 4 which is made on grounds relating to voter identification must be disregarded for the purpose of a particular parliamentary election if it is received by the registration officer after 5pm on the day of the poll at that election.”;
  - (c) in paragraph (3), after “paragraph (3A)” insert “or (3D)”;
  - (d) before paragraph (4) insert—

“(3D) Where an application is made under paragraph 4(2) or 6(8) of Schedule 4 in relation to a parliamentary election on grounds relating to voter identification, the application must be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3E) In paragraphs (2ZA) and (3D), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.
- (8) After regulation 56 insert—

**“Grounds relating to voter identification**

- 56A.**—(1) For the purposes of this Part, an application is made on grounds relating to voter identification if it is made because the following apply to B—
- (a) condition 1, 2, 3 or 4 in this regulation, and
  - (b) except where B has an anonymous entry on the register, condition 5.
- (2) In this regulation, “B” means—
- (a) the applicant, where—
    - (i) the application is made under paragraph 4(2) of Schedule 4, and
    - (ii) regulation 52(1B) does not apply to the application made under paragraph 6(8) of Schedule 4 which is included in that application under paragraph 4(2);
  - (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.
- (3) Condition 1 is that—
- (a) immediately before the deadline, B has a specified document which B intends to use to vote in person at a parliamentary election, and
  - (b) after that deadline, that document is—

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- (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that election, or
  - (ii) sent by B to another person to prove B's identity, and B considers it is unlikely to be returned to B on or before the day of poll at that election.
- (4) Condition 2 is that—
- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
  - (b) immediately before the deadline, B has not received that document, and
  - (c) the application for the specified document has not been refused or withdrawn.
- (5) Condition 3 is that—
- (a) B has an anonymous entry on the register, and
  - (b) either—
    - (i) B has not been issued with an anonymous elector's document, or
    - (ii) B has been issued with an anonymous elector's document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) Condition 4 is that—
- (a) B has a temporary electoral identity document which is valid for use on the day of poll at a parliamentary election, and
  - (b) before B is able to vote in person at that election using that document, proceedings at B's polling station are adjourned in accordance with rule 42 of the elections rules (adjournment of poll in case of riot).
- (7) Condition 5 is that B does not have access to another specified document.
- (8) In this regulation—
- (a) "anonymous elector's document" and "temporary electoral identity document" have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;
  - (b) the "deadline" means the time stated in regulation 56(2) or (3) after which, ignoring any other paragraphs in that regulation, an application under paragraph 4(2) or 6(7) or (8) of Schedule 4 must be disregarded or refused (as the case may be) by a registration officer;
  - (c) "specified document" has the meaning given in rule 37(1H) and (1K) of the elections rules."
- (9) In regulation 94 (restrictions on supply of full register and disclosure of information from it by the registration officer and his staff), after paragraph (4) insert—
- “(5) In this regulation, references to a registration officer's registration duties include references to the officer's functions under sections 13BD and 13BE of the 1983 Act.”
- (10) In regulation 108 (supply of full register etc to police forces and other agencies), in paragraph (1)(e), at the beginning insert “in relation to a register of local government electors,”.
- (11) In Schedule 3 (forms)—
- (a) for Form A (official poll card to be sent to an elector voting in person), substitute the corresponding form in Part 2 of Schedule 6;

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- (b) for Form B (official proxy poll card to be sent to an appointed proxy voting in person), substitute the corresponding form in Part 2 of Schedule 6.

#### Commencement Information

- I41** Reg. 39(1)(3)-(11) in force at 16.1.2023, see [reg. 1\(3\)](#)  
**I42** Reg. 39(2) not in force at made date, see [reg. 1\(4\)](#)

#### Amendments consequential on regulation 39

**40.**—(1) In regulation 2 of the Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 (expiry and savings provision)(**46**), in paragraph (1), for “and (2)(a) to (c)” in the second place it occurs, substitute “, (2)(a) to (c) and (4)(a)”.

(2) In regulation 56(2) of the Representation of the People (Scotland) Regulations 2001 (as amended by regulation [39\(7\)\(a\)](#)), omit “or (2A)”.

(3) The amendment made by paragraph (2) does not apply in respect of an application made in respect of a parliamentary election after the date on which that paragraph comes into force where—

- (a) the notice of the election is published before 1st March 2023, and  
(b) the poll for that election takes place on or after that date.

#### Commencement Information

- I43** Reg. 40(1) in force at 16.1.2023, see [reg. 1\(3\)](#)  
**I44** [Reg. 40\(2\)\(3\)](#) in force at 1.3.2023, see [reg. 1\(5\)](#)

PROSPECTIVE

#### Amendment of the Representation of the People (Northern Ireland) Regulations 2008

**41.** In regulation 38C of the Representation of the People (Northern Ireland) Regulations 2008 (anonymous registration: evidence consisting of relevant court orders or injunctions)(**47**), in paragraph (3)—

- (a) in sub-paragraph (r), omit the final “or”;  
(b) in sub-paragraph (s), at the end insert “or”;  
(c) after sub-paragraph (s) insert—

“(t) a domestic abuse protection order within the meaning of section 27 of the Domestic Abuse Act 2021.”

#### Commencement Information

- I45** Reg. 41 not in force at made date, see [reg. 1\(4\)](#)

(46) S.I. 2021/391, amended by S.I. 2022/175.

(47) S.I. 2008/1741; relevant amending instruments are S.I. 2014/1808, 2018/331.

VALID FROM 16/01/2023

## PART 10

### Amendment of conduct rules for other elections, referendums and recall petitions

#### **Amendment of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007**

**42.** The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 are amended in accordance with regulations [43](#) to [45](#).

#### **Commencement Information**

**I46** Reg. 42 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of Schedule 1 (mayoral elections rules)**

**43.—**(1) Schedule 1 (mayoral election rules) is amended as follows.

(2) In the contents list, at the appropriate place—

- (a) insert “41A Refusal to deliver ballot paper: mayoral elections in England”;
- (b) insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England”.

(3) In rule 2 (interpretation), after paragraph (1) insert—

“(1A) (1A) In these Rules, “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022.”.

(4) In rule 25 (provision of polling stations) after paragraph (4) insert—

“(5) In the case of a mayoral election held in England, the returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), at the end insert—

“and in respect of a presiding officer for a mayoral election in England only—

- (a) refuse to deliver a ballot paper under rule 35(3A) or rule 37(1F) (including that rule as applied by rules 38, 39 or 40), or
- (b) resolve doubts over identity as mentioned in rule 37(1G) (including that rule as applied by rule 38, 39 or 40).”.

(6) In rule 28 (equipment of polling stations), before paragraph (6) insert—

“(5B) In the case of a mayoral election held in England—

- (a) the returning officer must also provide each polling station with a ballot paper refusal list, in the appropriate form in the Appendix or a form to the like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper: mayoral elections in England);
- (b) a large notice must be displayed inside each polling station containing—

- (i) relevant identification details, and
  - (ii) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.
- (5C) In paragraph (5B)(b)(i), “relevant identification details” means details of the documents the voter needs to produce when applying for a ballot paper, namely—
- (a) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules)<sup>(48)</sup>;
  - (b) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”.
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) At a mayoral election held in England, “What is your name?”
    - (zb) At a mayoral election held in England, “What is your address?””;
  - (b) after paragraph (2) insert—
    - “(2A) In the case of a mayoral election held in England, where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (b) puts a question specified in paragraph (1) to the person, and
      - (c) decides that the person has failed to answer the question satisfactorily,the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
  - (c) in paragraph (3), for “A” substitute “In the case of a mayoral election in Wales, a”;
  - (d) after paragraph (3) insert—
    - “(3A) In the case of a mayoral election held in England, where the presiding officer—
      - (a) gives a person the required information,
      - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
      - (c) decides that the person has failed to answer the question satisfactorily,the officer must refuse to deliver a ballot paper to the person (and see rule 41A (procedure where ballot paper is refused under this paragraph)).
    - (3B) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
      - (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of local government electors;
      - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.

<sup>(48)</sup> Rule 37(1H) was inserted by paragraph 18 of Schedule 1 to the Elections Act 2022 (c. 37).

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**Changes to legislation:** *There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

- (3C) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3B) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (e) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
- (f) after paragraph (4) insert—
- “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”.
- (8) In rule 37 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 35(3A) and to paragraphs (1A) to (1N), a”;
- (ii) in sub-paragraph (a), at the beginning insert “in the case of a mayoral election in Wales only.”;
- (b) after paragraph (1) insert—
- “(1A) Paragraphs (1B) to (1N) apply in the case of a mayoral election held in England.
- (1B) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
- (1C) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
- (1D) Paragraph (1E) applies in relation to a voter where—
- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.
- (1E) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.
- (1F) The presiding officer must refuse to deliver a ballot paper to a voter where—
- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
- (1G) Paragraph (1F)(a) does not apply where—
- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to



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the presiding officer's satisfaction at the time of the application by the voter producing further proof of identity, and

- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(1H) The refusal to deliver a ballot paper to a voter under paragraph (1F) does not prevent the voter making a further application under paragraph (1), and paragraphs (1B) to (1G) apply on any further application.

(1I) In this rule, a "forged document" means a false document made to resemble a specified document.

(1J) In this rule, a "specified document"—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the registration officer for the local authority in whose area the election is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1K) Subject to paragraph (1L), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1L) Paragraph (1K) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(1M) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's identity, except as permitted by the voter.

(1N) References in this rule to producing a document are to producing it for inspection.”;

- (c) in paragraph (2), after “elector” insert “in respect of a mayoral election in Wales”.

(9) In rule 38 (votes marked by presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—

“(1A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and
- (b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

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(10) In rule 39 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—

“(2A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
- (b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(11) In rule 40 (tendered ballot papers – circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1B) to (1N) of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule at a mayoral election held in England as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if, in rule 37(1H) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(12) After rule 41 (tendered ballot papers – general provisions) insert—

**“Refusal to deliver ballot paper: mayoral elections in England**

**41A.**—(1) This rule applies in relation to a mayoral election held in England.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(4) Paragraphs (5) and (6) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1F), and
- (b) the voter makes a further application as permitted by rule 37(1H).

(5) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter).

(8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or

(b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(9) Subject to rule 37(1H) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.

(10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.

(11) In this rule—

(a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3A) or 37(1F), and

(b) any reference to paragraph (1F) or (1H) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

### **Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England**

**41B.**—(1) This rule applies in relation to a mayoral election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

(2) The presiding officer must—

(a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and

(b) provide that information to the returning officer as soon as practicable after the close of the poll.

(3) The returning officer must forward the information to the relevant registration officer.

(4) As soon as reasonably practicable after receiving the information the relevant registration officer must—

(a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and

(b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

(a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and

(b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—

(a) allocated to the person as stated in the copy of the register of electors, or

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- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—
- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (11) In this rule—
- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018<sup>(49)</sup>;
  - (b) references to the relevant registration officer are to the registration officer of the local authority in whose area the election is held.”.
- (13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) in the case of a mayoral election held in England, the ballot paper refusal list completed in accordance with rule 41A,”.
- (14) In rule 56 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) in the case of a mayoral election held in England, the completed ballot paper refusal list,”.
- (15) In rule 58 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to a mayoral election held in England.”.
- (16) In the Appendix of Forms—
- (a) in the list of forms—
    - (i) in the entry for Form 8 (elector’s official poll card), at the end insert “(for use at mayoral elections in Wales)”;
    - (ii) after the entry for Form 8, insert “Form 8A: Elector’s official poll card (for use at mayoral elections in England)”;
    - (iii) in the entry for Form 10 (official proxy poll card), at the end insert “(for use at mayoral elections in Wales)”;
    - (iv) after the entry for Form 10, insert “Form 10A: Official proxy poll card (for use at mayoral elections in England)”;
    - (v) after the entry for Form 11 (official proxy postal poll card) insert “Form 11A: Ballot paper refusal list”;
    - (vi) in the entry for Form 12 (directions for guidance of voters), at the end insert “(for use at mayoral elections in Wales)”;

<sup>(49)</sup> 2018 c. 12. See section 3(9) of that Act.

- (vii) after the entry for Form 12, insert “Form 12A: Directions for guidance of voters (for use at mayoral elections in England)”;
- (b) after Form 8, insert new Form 8A as set out in Part 1 of Schedule 7;
- (c) after Form 10, insert new Form 10A as set out in Part 1 of Schedule 7;
- (d) after Form 11, insert new Form 11A as set out in Part 1 of Schedule 7;
- (e) after Form 12, insert new Form 12A as set out in Part 1 of Schedule 7.

#### Commencement Information

**147** Reg. 43 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 2 (modifications of Acts and statutory instruments)

**44.**—(1) Table 1 (Representation of the People Act 1983) of Schedule 2 (modifications of Acts and statutory instruments) is amended as follows.

(2) For the entries for sections 36 and 39 substitute—

“Section 36 (local elections in England)	In subsection (3) in paragraph (a), after “such a councillor,” insert “or the election of an elected mayor of a district council”.
	In subsection (3AC), in paragraph (a), after “such a councillor”, insert “or the election of an elected mayor of the council of a county in England in which there are no district councils”.
	In subsection (4), after “a London borough” insert “or the election of an elected mayor of the council of such an area,”.
	In subsection (6), after “England”, insert “or at an election of an elected mayor of the council of any such area,”.
Section 39 (local elections void etc in England and Wales) ( <b>50</b> )	In subsection (2), after “other reason”, insert “a mayoral election or”.
	In subsection (5), in paragraph (a), after “section 36 or section 36A above”, insert “or, in the case of a mayoral election, regulations under section 9HE of the 2000 Act,”.
	In subsection (6), in paragraph (a)—

(50) Section 39 was amended by section 19 of, and by paragraph 8 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); by section 18(1) of, and by Schedule 17 to, the Local Government Act 1985 (c. 51); by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40); by paragraph 68(11) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19); by paragraphs 1 and 6 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and by section 2(7) of the Local Government and Elections (Wales) Act 2021 (asc 1).

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- (a) in sub-paragraph (i), after “section 36A)” insert “or under Part 1A of the 2000 Act (and the regulations under section 9HE of that Act)”, and
- (b) omit “, or, as the case may be, the district council, or Welsh county or county borough council,”.

(3) After the entry for section 54 (payment of expenses on registration) insert—

“Section 59A (reports on voter identification requirements in Great Britain) After subsection (5) insert—

“(5A) Where this subsection applies, a report prepared in accordance with subsection (4) must also include the effect of the mayoral election corresponding requirements on applications made under the provisions of rules made under section 9HE of the Local Government Act 2000 corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.

(5B) Subsection (5A) applies in respect of an election of a local authority mayor where—

- (a) the day of poll for that election is the same day as the poll for the ordinary elections of councillors described in subsection (4),
- (b) the election relates to a local government area to which the duty in subsection (4) otherwise applies, and
- (c) the timing of that election is determined in accordance with regulations 3, 4 or 7 of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012 (timing of elections of mayors other than elections resulting from casual vacancies)(51).

(5C) In subsection (5A), “mayoral election corresponding requirements” means the requirements corresponding to the voter identification requirements that have effect in relation to mayoral elections in England by virtue of rules made under section 9HE of the Local Government Act 2000.”.

In subsection (6), after paragraph (b) insert—

- “(c) in the case of a report under subsection (4) to which subsection (5A) applies, information provided to the Secretary of State under any provision of rules made under section 9HE of the Local Government Act 2000 corresponding to rule 40B of the parliamentary elections rules.”

### Commencement Information

**148** Reg. 44 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 3 (mayoral election combination of poll rules)

- 45.—**(1) Schedule 3 (mayoral election combination of poll rules) is amended as follows.
- (2) In the contents list, at the appropriate place—
- (a) insert “41A Refusal to deliver ballot paper: mayoral elections in England”;
  - (b) insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England”.
- (3) In rule 2 (interpretation)—
- (a) before the definition of “the Appendix” insert—  
““anonymous elector’s document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022”;
  - (b) after the definition of “returning officer” insert—  
““temporary electoral identity document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022”;
- (4) In rule 25 (provision of polling stations) after paragraph (4) insert—  
“(5) In the case of a mayoral election held in England, the returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.
- (5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), at the end insert—  
“and in respect of a presiding officer for a mayoral election in England only—
- (a) refuse to deliver a ballot paper under rule 35(3A) or rule 37(1F) (including that rule as applied by rules 38, 39 or 40), or
  - (b) resolve doubts over identity as mentioned in rule 37(1G) (including that rule as applied by rule 38, 39 or 40).”.
- (6) In rule 28 (equipment of polling stations), before paragraph (7) insert—  
“(6B) In the case of a mayoral election held in England—
- (a) the returning officer must also provide each polling station with a ballot paper refusal list, in the appropriate form in the Appendix or a form to the like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper: mayoral elections in England);
  - (b) a large notice must be displayed inside each polling station containing—
    - (i) relevant identification details, and
    - (ii) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.
- (6C) In paragraph (6B)(b)(i), “relevant identification details” means details of the documents the voter needs to produce when applying for a ballot paper, namely—

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- (a) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
  - (b) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”.
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) At a mayoral election held in England, “What is your name?”
    - (zb) At a mayoral election held in England, “What is your address?””;
  - (b) after paragraph (2) insert—
    - “(2A) In the case of a mayoral election held in England, where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (b) puts a question specified in paragraph (1) to the person, and
      - (c) decides that the person has failed to answer the question satisfactorily,
 the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
    - (c) in paragraph (3), for “A” substitute “In the case of a mayoral election in Wales, a”;
    - (d) after paragraph (3) insert—
      - “(3A) In the case of a mayoral election held in England, where the presiding officer—
        - (a) gives a person the required information,
        - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
        - (c) decides that the person has failed to answer the question satisfactorily,
 the officer must refuse to deliver a ballot paper to the person (and see rule 41A (procedure where ballot paper is refused under this paragraph)).
      - (3B) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
        - (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of local government electors;
        - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
      - (3C) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3B) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
    - (e) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
    - (f) after paragraph (4) insert—
      - “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—



- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
  - (b) giving false information may be an offence.”.
- (8) In rule 37 (voting procedure)—
  - (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 35(3A) and to paragraphs (1A) to (1N), a”;
    - (ii) in sub-paragraph (a), at the beginning insert “in the case of a mayoral election in Wales only,”;
  - (b) after paragraph (1) insert—
    - “(1A) Paragraphs (1B) to (1N) apply in the case of a mayoral election held in England.
    - (1B) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
    - (1C) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
    - (1D) Paragraph (1E) applies in relation to a voter where—
      - (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.
    - (1E) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.
    - (1F) The presiding officer must refuse to deliver a ballot paper to a voter where—
      - (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
    - (1G) Paragraph (1F)(a) does not apply where—
      - (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
      - (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
    - (1H) The refusal to deliver a ballot paper to a voter under paragraph (1F) does not prevent the voter making a further application under paragraph (1), and paragraphs (1B) to (1G) apply on any further application.
    - (1I) In this rule, a “forged document” means a false document made to resemble a specified document.

*Status: Point in time view as at 13/01/2023. This version of this Instrument contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)

(1J) In this rule, a “specified document”—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
  - (i) was issued by the registration officer for the local authority in whose area the election is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1K) Subject to paragraph (1L), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1L) Paragraph (1K) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(1M) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

(1N) References in this rule to producing a document are to producing it for inspection.”;

(c) in paragraph (2), after “elector” insert “in respect of a mayoral election in Wales”.

(9) In rule 38 (votes marked by presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—

“(1A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
- (b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(10) In rule 39 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—

“(2A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and

(b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(11) In rule 40 (tendered ballot papers – circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1B) to (1N) of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule at a mayoral election held in England as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if, in rule 37(1H) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(12) After rule 41 (tendered ballot papers – general provisions) insert—

**“Refusal to deliver ballot paper: mayoral elections in England**

**41A.**—(1) This rule applies in relation to a mayoral election held in England.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(4) Paragraphs (5) and (6) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1F), and
- (b) the voter makes a further application as permitted by rule 37(1H).

(5) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter).

(8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(9) Subject to rule 37(1H) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.

(10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.

(11) In this rule—

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*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

- (a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3A) or 37(1F), and
- (b) any reference to paragraph (1F) or (1H) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

### **Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England**

**41B.**—(1) This rule applies in relation to a mayoral election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

(2) The presiding officer must—

- (a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and
- (b) provide that information to the returning officer as soon as practicable after the close of the poll.

(3) The returning officer must forward the information to the relevant registration officer.

(4) As soon as reasonably practicable after receiving the information the relevant registration officer must—

- (a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and
- (b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

- (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and
- (b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—

- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
- (b) any other restriction on the disclosure of information (however imposed).

- (10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (11) In this rule—
- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018;
  - (b) references to the relevant registration officer are to the registration officer of the local authority in whose area the election is held.”.
- (13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) in the case of a mayoral election held in England, the ballot paper refusal list completed in accordance with rule 41A.”.
- (14) In rule 56 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) in the case of a mayoral election held in England, the completed ballot paper refusal list, or”.
- (15) In rule 58 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to a mayoral election held in England.”.
- (16) In the Appendix of Forms—
- (a) in the list of forms—
    - (i) in the entry for Form 8 (elector’s official poll card), at the end insert “(for use at mayoral elections in Wales)”;
    - (ii) after the entry for Form 8, insert “Form 8A: Elector’s official poll card (for use at mayoral elections in England)”;
    - (iii) in the entry for Form 10 (official proxy poll card), at the end insert “(for use at mayoral elections in Wales)”;
    - (iv) after the entry for Form 10, insert “Form 10A: Official proxy poll card (for use at mayoral elections in England)”;
    - (v) after the entry for Form 11 (official proxy postal poll card) insert “Form 11A: Ballot Paper Refusal List”;
    - (vi) in the entry for Form 12 (directions for guidance of voters), at the end insert “(for use at mayoral elections in Wales)”;
    - (vii) after the entry for Form 12, insert “Form 12A: Directions for guidance of voters (for use at mayoral elections in England)”;
  - (b) after Form 8, insert new Form 8A as set out in Part 2 of Schedule 7;
  - (c) after Form 10, insert new Form 10A as set out in Part 2 of Schedule 7;
  - (d) after Form 11, insert new Form 11A as set out in Part 2 of Schedule 7;
  - (e) after Form 12, insert new Form 12A as set out in Part 2 of Schedule 7.

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*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

#### Commencement Information

**I49** Reg. 45 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of the Local Authorities (Conduct of Referendums) (England) Regulations 2012

**46.** The Local Authorities (Conduct of Referendums) (England) Regulations 2012 are amended in accordance with regulations [47](#) to [50](#).

#### Commencement Information

**I50** Reg. 46 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of regulation 13 (combination of referendum polls: supplementary)

**47.** In regulation 13 (combination of referendum polls: supplementary), in paragraph (3)(a) (vii) at the end insert “, except the functions in rule 17(5A)”.

#### Commencement Information

**I51** Reg. 47 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 3 (local government act referendum rules)

**48.—(1)** Schedule 3 (local government act referendum rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “30A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), for paragraph (1) substitute—

“(1) In these Rules—

“anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;

“voter” means a person entitled to vote on his or her own behalf.”.

(4) In rule 14 (provision of polling stations), after paragraph (4) insert—

“(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 24(3) or rule 26(1E) (including that rule as applied by rule 27, 28 or 29), or

(c) resolve doubts over identity as mentioned in rule 26(1F) (including that paragraph as applied by rule 27, 28 or 29).”.

(6) In rule 17 (equipment of polling stations)—

(a) in paragraph (5)—

- (i) in sub-paragraph (a), omit the final “and”;
- (ii) after sub-paragraph (a) insert—
  - “(aa) a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 30A (refusal to deliver ballot paper); and”;
- (b) after paragraph (6) insert—
  - “(6A) A large notice must be displayed inside each polling station containing—
    - (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
      - (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
      - (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
    - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.
- (7) In rule 24 (questions to be put to voters and proxies)—
  - (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) What is your name?”
    - “(zb) What is your address?”;
  - (b) after paragraph (2) insert—
    - “(2A) Where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (b) puts a question specified in paragraph (1) to the person, and
      - (c) decides that the person has failed to answer the question satisfactorily,the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
  - (c) for paragraph (3) substitute—
    - “(3) Where the presiding officer—
      - (a) gives the person the required information,
      - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
      - (c) decides that the person has failed to answer the question satisfactorily,the officer must refuse to deliver a ballot paper to the person (and see rule 30A for the procedure where a ballot paper is refused under this paragraph).
    - (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
      - (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;

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- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a person is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
- “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”.
- (8) In rule 26 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 24(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);
- (b) after paragraph (1) insert—
- “(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.
- (1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.
- (1C) Paragraph (1D) applies in relation to a voter or proxy where—
- (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.
- (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.
- (1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—
- (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.
- (1F) Paragraph (1E)(a) does not apply where—
- (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved



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to the presiding officer's satisfaction at the time of the application by the voter or proxy producing further proof of identity, and

- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a "forged document" means a false document made to resemble a specified document.

(1I) In this rule, a "specified document"—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the registration officer for the local authority in whose area the referendum is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's or proxy's identity, except as permitted by the voter or proxy.

(1M) References in this rule to producing a document are to producing it for inspection.”;

- (c) in paragraph (2), omit the words from “and only” to the end;
- (d) omit paragraph (3)(a).

(9) In rule 27 (votes marked by the presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 26 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 26(1), but as if—

- (a) references to delivering a ballot paper to a voter or proxy were to causing a voter's or proxy's vote to be marked on a ballot paper, and

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(b) in rule 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.

(10) In rule 28 (voting by persons with disabilities)—

(a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 26 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 26(1), but as if—

(a) references to delivering a ballot paper to a voter or proxy were to granting a voter’s or proxy’s application, and

(b) in rule 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.

(11) In rule 29 (tendered ballot papers: circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 26 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy who applies for a ballot paper under rule 26(1), but as if in rule 26(1G), the reference to making a further application under paragraph (1) of rule 26 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.”.

(12) After rule 30 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**30A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

(a) the voter’s electoral number, and

(b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

(a) the name and address of the voter, and

(b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

(a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 26(1E), and

(b) the voter or proxy makes a further application under rule 26(1).

(4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (8) Subject to rule 26(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 24(3) or 26(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 26 includes a reference to that paragraph as applied by rule 27, 28 or 29.”.
- (13) In rule 34 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 30A;”.
- (14) In rule 42 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—
- “(ba) the completed ballot paper refusal list;”.
- (15) In rule 43 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 44 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.
- (17) In Part 8 (appendix of forms)—
- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
  - (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 1 of Schedule 8;
  - (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 1 of Schedule 8;
  - (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 1 of Schedule 8;
  - (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 1 of Schedule 8.

#### **Commencement Information**

**I52** Reg. 48 in force at 16.1.2023, see [reg. 1\(3\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

**Amendment of Schedule 4 (application, with modifications, of Acts and subordinate legislation)**

**49.—**(1) Schedule 4 (application, with modifications, of Acts and subordinate legislation) is amended as follows.

(2) In Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column, after the text relating to subsections (2) to (4) insert—

“In subsection (6ZB), for “, (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “and (3)(a)(i)”.”.

(3) In Table 6 (Representation of the People (England and Wales) Regulations 2001)—

(a) in the entry for regulation 55A, in the first column, at the end insert “: grounds relating to occupation, service or employment”;

(b) after that entry insert—

“Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)”;

(c) for the entry for regulation 56 substitute—

“Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.

In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.

In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.

Regulation 56A (grounds relating to voter identification) In paragraph (3)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.

In paragraph (6)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.”.

### Commencement Information

**I53** Reg. 49 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 5 (local government act referendum combination of polls rules)

**50.**—(1) Schedule 5 (local government act referendum combination of polls rules) is amended as follows.

(2) In the list of contents, in the appropriate place insert “32A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before the definition of “relevant returning or counting officer” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) after the definition of “relevant returning or counting officer” insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”.

(4) In rule 14 (provision of polling stations), after paragraph (6) insert—

“(7) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 26(3) or rule 28(1E) (including that rule as applied by rule 29, 30 or 31), or

(c) resolve doubts over identity as mentioned in rule 28(1F) (including that paragraph as applied by rule 29, 30 or 31).”.

(6) In rule 17 (equipment of polling stations)—

(a) after paragraph (5) insert—

“(5A) The counting officer must provide each polling station with a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 32A (refusal to deliver ballot paper).”;

(b) after paragraph (8) insert—

“(8A) A large notice must be displayed inside each polling station containing—

(a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—

(i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and

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- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.
- (7) In rule 26 (questions to be put to voters and proxies)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) What is your name?  
 (zb) What is your address?”;
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
- (c) for paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives the person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person (and see rule 32A for the procedure where a ballot paper is refused under this paragraph).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;
- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a person is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
- “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”.
- (8) In rule 28 (voting procedure)—

- (a) in paragraph (1)—
  - (i) for “A” substitute “Subject to rule 26(3) and to paragraphs (1A) to (1M), a”;
  - (ii) omit sub-paragraph (a);
- (b) after paragraph (1) insert—
  - “(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.
  - (1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.
  - (1C) Paragraph (1D) applies in relation to a voter or proxy where—
    - (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
    - (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.
  - (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.
  - (1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—
    - (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
    - (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.
  - (1F) Paragraph (1E)(a) does not apply where—
    - (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter or proxy producing further proof of identity, and
    - (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.
  - (1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.
  - (1H) In this rule, a “forged document” means a false document made to resemble a specified document.
  - (1I) In this rule, a “specified document”—
    - (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
    - (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector’s document which—

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- (i) was issued by the registration officer for the local authority in whose area the referendum is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.
- (1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.
- (1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s or proxy’s identity, except as permitted by the voter or proxy.
- (1M) References in this rule to producing a document are to producing it for inspection.”;
- (c) in paragraph (2), omit the words from “and only” to the end;
  - (d) omit paragraph (3)(a).
- (9) In rule 29 (votes marked by the presiding officer)—
- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
  - (b) after paragraph (1) insert—
    - “(1A) Paragraphs (1A) to (1M) of rule 28 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 28(1), but as if—
      - (a) references to delivering a ballot paper to a voter or proxy were to causing a voter’s or proxy’s vote to be marked on a ballot paper, and
      - (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.”.
- (10) In rule 30 (voting by persons with disabilities)—
- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraphs (1A) to (1M) of rule 28 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 28(1), but as if—
      - (a) references to delivering a ballot paper to a voter or proxy were to granting a voter’s or proxy’s application, and
      - (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.”.
- (11) In rule 31 (tendered ballot papers: circumstances where available), after paragraph (6) insert—
- “(7) Paragraphs (1A) to (1M) of rule 28 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy



who applies for a ballot paper under rule 28(1), but as if in rule 28(1G), the reference to making a further application under paragraph (1) of rule 28 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.”.

(12) After rule 32 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**32A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 28(1E), and
- (b) the voter or proxy makes a further application under rule 28(1).

(4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(8) Subject to rule 28(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.

(9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.

(10) In this rule—

- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 26(3) or 28(1E), and
- (b) any reference to paragraph (1E) or (1G) of rule 28 includes a reference to that paragraph as applied by rule 29, 30 or 31.”.

(13) In rule 36 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 32A.”.

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- (14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—  
“(aa) the completed ballot paper refusal list; or”.
- (15) In rule 45 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—  
“(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 46 (orders for production of documents), after paragraph (1) insert—  
“(1A) An order—  
(a) for the opening of the sealed packet containing a completed ballot paper refusal list, or  
(b) for the inspection or production of that list,  
may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.
- (17) In Part 8 (appendix of forms)—  
(a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;  
(b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 2 of Schedule 8;  
(c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 2 of Schedule 8;  
(d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 2 of Schedule 8;  
(e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 2 of Schedule 8.

#### Commencement Information

**I54** Reg. 50 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012

**51.** The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 are amended in accordance with regulations [52](#) to [54](#).

#### Commencement Information

**I55** Reg. 51 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 3 (local government finance act referendum rules)

- 52.—**(1) Schedule 3 (local government finance act referendum rules) is amended as follows.  
(2) In the list of contents, at the appropriate place insert “30A Refusal to deliver ballot paper”.  
(3) In rule 2 (interpretation), for paragraph (1) substitute—  
“(1) In these Rules—

“anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;

“voter” means a person entitled to vote on his or her own behalf.”.

(4) In rule 14 (provision of polling stations), after paragraph (4) insert—

“(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 24(3) or rule 26(1E) (including that rule as applied by rule 27, 28 or 29), or
- (c) resolve doubts over identity as mentioned in rule 26(1F) (including that paragraph as applied by rule 27, 28 or 29).”.

(6) In rule 17 (equipment of polling stations)—

(a) in paragraph (5)—

- (i) in sub-paragraph (a), omit the final “and”;
- (ii) after sub-paragraph (a) insert—

“(aa) a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 30A (refusal to deliver ballot paper); and”;

(b) after paragraph (6) insert—

“(6A) A large notice must be displayed inside each polling station containing—

- (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
  - (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
  - (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.

(7) In rule 24 (questions to be put to voters and proxies)—

(a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—

- “(za) What is your name?
- (zb) What is your address?”;

(b) after paragraph (2) insert—

“(2A) Where a clerk—

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- (a) gives a person the required information (see paragraph (5)),
  - (b) puts a question specified in paragraph (1) to the person, and
  - (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
- (c) for paragraph (3) substitute—
    - “(3) Where the presiding officer—
      - (a) gives the person the required information,
      - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
      - (c) decides that the person has failed to answer the question satisfactorily,
 the officer must refuse to deliver a ballot paper to the person (and see rule 30A for the procedure where a ballot paper is refused under this paragraph).
    - (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
      - (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;
      - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
    - (3B) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
  - (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a person is not to be regarded as an inquiry as to the right of the person to vote)”;
  - (e) after paragraph (4) insert—
    - “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
      - (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
      - (b) giving false information may be an offence.”.
- (8) In rule 26 (voting procedure)—
- (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 24(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—
    - “(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.
    - (1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.
    - (1C) Paragraph (1D) applies in relation to a voter or proxy where—

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- (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.

(1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.

(1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—

- (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.

(1F) Paragraph (1E)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter or proxy producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a "forged document" means a false document made to resemble a specified document.

(1I) In this rule, a "specified document"—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the registration officer for the local authority in whose area the referendum is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

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(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's or proxy's identity, except as permitted by the voter or proxy.

(1M) References in this rule to producing a document are to producing it for inspection.”;

(c) in paragraph (2), omit the words from “and only” to the end;

(d) omit paragraph (3)(a).

(9) In rule 27 (votes marked by the presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 26 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 26(1), but as if—

(a) references to delivering a ballot paper to a voter or proxy were to causing a voter's or proxy's vote to be marked on a ballot paper, and

(b) in rule 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.

(10) In rule 28 (voting by persons with disabilities)—

(a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 26 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 26(1), but as if—

(a) references to delivering a ballot paper to a voter or proxy were to granting a voter's or proxy's application, and

(b) in rule 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.

(11) In rule 29 (tendered ballot papers: circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 26 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy who applies for a ballot paper under rule 26(1), but as if in rule 26(1G), the reference to making a further application under paragraph (1) of rule 26 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.”.

(12) After rule 30 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**30A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

(a) the voter's electoral number, and

- (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
  - (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
  - (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 26(1E), and
  - (b) the voter or proxy makes a further application under rule 26(1).
- (4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
  - (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (8) Subject to rule 26(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.
- (10) In this rule—
  - (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 24(3) or 26(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 26 includes a reference to that paragraph as applied by rule 27, 28 or 29.”
- (13) In rule 34 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 30A;”.
- (14) In rule 42 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—

“(ba) the completed ballot paper refusal list;”.
- (15) In rule 43 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—

“(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 44 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—
  - (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,

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may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.

(17) In Part 8 (appendix of forms)—

- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
- (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 1 of Schedule 9;
- (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 1 of Schedule 9;
- (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 1 of Schedule 9;
- (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 1 of Schedule 9.

#### Commencement Information

**I56** Reg. 52 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 4 (application, with modifications, of Acts and subordinate legislation)

**53.**—(1) Schedule 4 (application, with modifications, of Acts and subordinate legislation) is amended as follows.

(2) In Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column, after the text relating to subsections (2) to (4) insert—

“In subsection (6ZB), for “, (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “and (3)(a)(i)”.

(3) In Table 6 (Representation of the People (England and Wales) Regulations 2001)—

- (a) in the entry for regulation 55A, in the first column, at the end insert “: grounds relating to occupation, service or employment”;
- (b) after that entry insert—

“Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)”;

- (c) for the entry for regulation 56 substitute—

“Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.

In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.

In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.



Regulation 56A (grounds relating to voter identification) In paragraph (3)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.

In paragraph (6)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.

#### Commencement Information

**I57** Reg. 53 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 5 (local government finance act referendum combination of polls rules)

**54.**—(1) Schedule 5 (local government finance act referendum combination of polls rules) is amended as follows.

(2) In the list of contents, in the appropriate place insert “32A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before sub-paragraph (a) insert—

“(za) “anonymous elector’s document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;”;

(b) in sub-paragraph (a), omit the final “and”;

(c) after sub-paragraph (a) insert—

“(aa) “temporary electoral identity document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022; and”.

(4) In rule 14 (provision of polling stations), after paragraph (6) insert—

“(7) The relevant returning or counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 26(3) or rule 28(1E) (including that rule as applied by rule 29, 30 or 31), or

(c) resolve doubts over identity as mentioned in rule 28(1F) (including that paragraph as applied by rule 29, 30 or 31).”.

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- (6) In rule 17 (equipment of polling stations)—
- (a) after paragraph (5) insert—
- “(5A) The counting officer must provide each polling station with a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 32A (refusal to deliver ballot paper).”;
- (b) after paragraph (8) insert—
- “(8A) A large notice must be displayed inside each polling station containing—
- (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
- (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.
- (7) In rule 26 (questions to be put to voters and proxies)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) What is your name?  
 (zb) What is your address?”;
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
- (c) for paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives the person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person (and see rule 32A for the procedure where a ballot paper is refused under this paragraph).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;

- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a person is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
  - “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
    - (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
    - (b) giving false information may be an offence.”.
- (8) In rule 28 (voting procedure)—
  - (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 26(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—
    - “(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.
    - (1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.
    - (1C) Paragraph (1D) applies in relation to a voter or proxy where—
      - (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
      - (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.
    - (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.
    - (1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—
      - (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
      - (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.
    - (1F) Paragraph (1E)(a) does not apply where—
      - (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved

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to the presiding officer's satisfaction at the time of the application by the voter or proxy producing further proof of identity, and

- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a "forged document" means a false document made to resemble a specified document.

(1I) In this rule, a "specified document"—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the registration officer for the local authority in whose area the referendum is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's or proxy's identity, except as permitted by the voter or proxy.

(1M) References in this rule to producing a document are to producing it for inspection.”;

- (c) in paragraph (2), omit the words from “and only” to the end;

- (d) omit paragraph (3)(a).

(9) In rule 29 (votes marked by the presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

- (b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 28 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 28(1), but as if—

- (a) references to delivering a ballot paper to a voter or proxy were to causing a voter's or proxy's vote to be marked on a ballot paper, and

- (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.”.
- (10) In rule 30 (voting by persons with disabilities)—
- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—
- “(2A) Paragraphs (1A) to (1M) of rule 28 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 28(1), but as if—
- (a) references to delivering a ballot paper to a voter or proxy were to granting a voter’s or proxy’s application, and
- (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.”.
- (11) In rule 31 (tendered ballot papers: circumstances where available), after paragraph (6) insert—
- “(7) Paragraphs (1A) to (1M) of rule 28 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy who applies for a ballot paper under rule 28(1), but as if in rule 28(1G), the reference to making a further application under paragraph (1) of rule 28 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.”.
- (12) After rule 32 (tendered ballot papers: general provisions) insert—
- “Refusal to deliver ballot paper**
- 32A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 28(1E), and
- (b) the voter or proxy makes a further application under rule 28(1).
- (4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

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- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (8) Subject to rule 28(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 26(3) or 28(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 28 includes a reference to that paragraph as applied by rule 29, 30 or 31.”
- (13) In rule 36 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 32A;”
- (14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list; or”
- (15) In rule 45 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the packet containing the completed ballot paper refusal list;”
- (16) In rule 46 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”
- (17) In Part 8 (appendix of forms)—
- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
  - (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 2 of Schedule 9;
  - (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 2 of Schedule 9;
  - (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 2 of Schedule 9;
  - (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 2 of Schedule 9.

#### **Commencement Information**

**I58** Reg. 54 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of the Police and Crime Commissioner Elections Order 2012

55. The Police and Crime Commissioner Elections Order 2012 is amended in accordance with regulations 56 to 62.

### Commencement Information

I59 Reg. 55 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of article 2 (interpretation)

56. In article 2 (interpretation)

(a) in paragraph (1)—

(i) after the definition of “absent voter” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(ii) omit the definitions of “the Assembly” and “Assembly election”;

(iii) after the definition of “relevant registration officer” insert—

““Senedd election” means an election to return a member of the Senedd Cymru for a Senedd constituency or an election to return members of the Senedd for a Senedd electoral region (or both);

“temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) in paragraphs (2A) and (2B)(a), for “an Assembly” substitute “a Senedd”;

(c) in paragraph (2C)—

(i) for “Assembly” in the first and third places it occurs, substitute “Senedd”;

(ii) for “an Assembly” substitute “a Senedd”.

### Commencement Information

I60 Reg. 56 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of article 13A (combination of polls: National Assembly for Wales)

57. In article 13A—

(a) in the heading, for “National Assembly for Wales” substitute “Senedd Cymru”;

(b) for “an Assembly” substitute “a Senedd”.

### Commencement Information

I61 Reg. 57 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of article 18 (other voting offences)

58. In article 18 (other voting offences), after paragraph (6) insert—

“(6A) For the purpose of determining whether an application for a ballot paper constitutes an offence under paragraph (2)(a) or (3)(a), a previous application is to be

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disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.”

#### **Commencement Information**

**I62** Reg. 58 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of Schedule 2 (absent voting in PCC elections)**

**59.**—(1) Schedule 2 (absent voting in PCC elections) is amended as follows.

(2) In Part 2 (applications for absent vote)—

- (a) in paragraph 11 (general requirements for applications for absent vote), in sub-paragraph (6), at the end insert “and (where applicable) paragraph 14A”;
- (b) after paragraph 14 (additional requirements: applications for the appointment of a proxy in respect of a particular PCC election) insert—

**“Additional requirements: applications for the appointment of a proxy on grounds relation to voter identification**

**14A.**—(1) This paragraph applies where—

- (a) an application under paragraph 5(4) for the appointment of a proxy for the purposes of voting by proxy at a particular PCC election is made by a person (“A”);
- (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;
- (c) at the time of making the application, B’s appointment remains in force; and
- (d) A’s application is made on grounds relating to voter identification which relate to B.

(2) A’s application must—

- (a) state that this paragraph applies, and
- (b) state, to the best of A’s knowledge and belief, which of the conditions set out in paragraph 16A apply in respect of B.

(3) In sub-paragraph (1)—

- (a) in paragraph (a), the reference to an application under paragraph 5(4) includes such an application which is included in an application under paragraph 3(2);
- (b) in paragraph (d), “grounds relating to voter identification” has the meaning given in paragraph 16A.”.

(c) after paragraph 15A (additional requirements referred to in paragraph 14(5A)) insert—

**“Additional requirements for an application under paragraph 3(2) for a proxy vote: grounds related to voter identification**

**15B.**—(1) Subject to sub-paragraph (2), this paragraph applies to an application under paragraph 3(2) to which paragraph 16(2C) applies.

(2) This paragraph does not apply where—

- (a) the application under paragraph 3(2) includes an application under paragraph 5(4), and



- (b) paragraph 14A(2) applies to that application under paragraph 5(4).
- (3) Where this paragraph applies, the application under paragraph 3(2) must (in addition to any other information required by this Part)—
  - (a) state that it is made on grounds relating to voter identification, and
  - (b) states which of the conditions set out in paragraph 16A apply to the applicant.
- (4) In this paragraph, “grounds relating to voter identification” has the meaning given in paragraph 16A.”;
- (d) in paragraph 16 (closing date for applications)—
  - (i) in sub-paragraph (1), after “sub-paragraph (2)” insert “and (2C)”;
  - (ii) before sub-paragraph (3) insert—
    - “(2C) Where an application is made under paragraph 3(2) or 5(4) on grounds relating to voter identification, the application is to be refused if it is received after 5pm on the day of the poll at the PCC election for which it is made.
    - (2D) In sub-paragraph (2C), “grounds relating to voter identification” has the meaning given in paragraph 16A.”;
- (e) after paragraph 16 insert—

**“Grounds relating to voter identification**

- 16A.—**(1) For the purposes of this Part, an application is made on grounds relating to voter identification if it is made because the following apply to B—
- (a) condition 1, 2, 3 or 4, and
  - (b) except where B has an anonymous entry on the register of electors, condition 5.
- (2) In this paragraph, “B” means—
- (a) the applicant, where—
    - (i) the application is made under paragraph 3(2), and
    - (ii) paragraph 14A(2) does not apply to the application made under paragraph 5(4) which is included in that application under paragraph 3(2);
  - (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.
- (3) Condition 1 is that—
- (a) immediately before the deadline, B has a specified document which B intends to use to vote in person at a PCC election, and
  - (b) after that deadline, that document is—
    - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that election, or
    - (ii) sent by B to another person to prove B’s identity and B considers that it is unlikely to be returned to B on or before the day of poll at that election.
- (4) Condition 2 is that—
- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,

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- (b) immediately before the deadline, B has not received that document, and
  - (c) the application for the specified document has not been refused or withdrawn.
- (5) Condition 3 is that—
- (a) B has an anonymous entry on the register of electors, and
  - (b) either—
    - (i) B has not been issued with an anonymous elector’s document, or
    - (ii) B has been issued with an anonymous elector’s document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) Condition 4 is that—
- (a) B has a temporary electoral identity document which is valid for use on the day of poll at a PCC election, and
  - (b) before B is able to vote in person at such an election using that document, proceedings at B’s polling station are adjourned in accordance with rule 46 of Part 3 of Schedule 3 (adjournment of poll in case of riot).
- (7) Condition 5 is that B does not have access to another specified document.
- (8) In this paragraph—
- (a) “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;
  - (b) the “deadline” means 5 pm on the sixth day before the date of the poll at the PCC election for which an application is made, and paragraph 16(5) applies for the purposes of computing the sixth day as it applies for the purposes of computing a period of days for the purposes of paragraph 16;
  - (c) “specified document” has the meaning given in rule 39(2I) of Part 3 of Schedule 3.”.
- (3) In Part 3 (issue and receipt of ballot papers)—
- (a) in paragraph 29 (combination of polls), in paragraph (3), for “an Assembly” substitute “a Senedd”;
  - (b) in paragraph 59 (forwarding of documents), in paragraph (2A), for “an Assembly” substitute “a Senedd”.
- (4) In Part 4 (forms), for Form 1 (proxy paper) substituted the corresponding form in Part 1 of Schedule 10.

#### **Commencement Information**

**I63** Reg. 59 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of Schedule 3 (PCC election conduct rules)**

**60.**—(1) Schedule 3 (rules for the conduct of PCC elections where poll not taken together with poll at another election) is amended as follows.

- (2) In rule 26 (provision of polling stations) after paragraph (4) insert—

“(5) The local returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(3) In rule 27 (appointment of presiding officers and polling clerks), in paragraph (5), for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 37(3) or rule 39(2E) (including that rule as applied by rules 40, 41 or 42), or
- (c) resolve doubts over identity as mentioned in rule 39(2F) (including that rule as applied by rule 40, 41 or 42).”.

(4) In rule 29 (equipment of polling stations)—

(a) in paragraph (5), after sub-paragraph (b) insert—

“(ba) a ballot paper refusal list, in Form 14A or a form to like effect, on which entries are to be made as mentioned in rule 43A (refusal to deliver ballot paper);”;

(b) after paragraph (9) insert—

“(9A) A large notice must be displayed inside each polling station containing—

- (a) details of the documents the elector or proxy needs to produce when applying for a ballot paper, namely—
  - (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
  - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.”.

(5) In rule 37 (questions to be put to voters)—

(a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—

“(za) What is your name?

(zb) What is your address?”;

(b) after paragraph (2) insert—

“(2A) Where a clerk—

- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,

the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;

(c) for paragraph (3) substitute—

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**Changes to legislation:** *There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

- “(3) Where the presiding officer—
- (a) gives a person the required information,
  - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
  - (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person (and see rule 43A (procedure where ballot paper is refused under this paragraph)).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of local government electors;
  - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3C) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
  - (e) after paragraph (4) insert—
 

“(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

    - (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
    - (b) giving false information may be an offence.”.
- (6) In rule 39 (voting procedure)—
- (a) in paragraph (1), for “A” substitute “Subject to rule 37(3) and to paragraphs (2A) to (2M), a”;
  - (b) omit paragraph (2)(a);
  - (c) after paragraph (2) insert—
 

“(2A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.

(2B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.

(2C) Paragraph (2D) applies in relation to a voter where—

    - (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
    - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.

(2D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.

(2E) The presiding officer must refuse to deliver a ballot paper to a voter where—

- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.

(2F) Paragraph (2E)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(2G) The refusal to deliver a ballot paper to a voter under paragraph (2E) does not prevent the voter making a further application under paragraph (1), and paragraphs (2A) to (2F) apply on any further application.

(2H) In this rule, a “forged document” means a false document made to resemble a specified document.

(2I) In this rule, a “specified document”—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
  - (i) was issued by the relevant registration officer for the voting area in which the polling station to which the voter is allotted is situated,
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(2J) Subject to paragraph (2K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(2K) Paragraph (2J) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(2L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

(2M) References in this rule to producing a document are to producing it for inspection.”;

- (d) in paragraph (3), omit the words from “and only” until the end;
- (e) omit paragraph (4)(a).

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*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

(7) In rule 40 (votes marked by presiding officer)—

(a) in paragraph (2), for “The” substitute “Subject to paragraph (2A), the”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (2A) to (2M) of rule 39 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 39(1), but as if—

(a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and

(b) in rule 39(2G), the reference to paragraph (1) of rule 39 were to paragraph (1) of this rule.”.

(8) In rule 41 (voting by persons with disabilities)—

(a) in paragraph (2), for “The” substitute “Subject to paragraph (2A), the”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (2A) to (2M) of rule 39 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 39(1), but as if—

(a) references to delivering a ballot paper to a voter were to granting a voter’s application, and

(b) in rule 39(2G), the reference to paragraph (1) of rule 39 were to paragraph (1) of this rule.”.

(9) In rule 42 (tendered ballot papers: circumstances where available), after paragraph (9) insert—

“(10) Paragraphs (2A) to (2M) of rule 39 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 39(1), but as if, in rule 39(2G) the reference to making a further application under paragraph (1) of rule 39 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(10) After rule 43 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**43A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

(a) the voter’s electoral number, and

(b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

(a) the name and address of the voter, and

(b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

(a) a presiding officer refuses to deliver a ballot paper to a voter under rule 39(2E), and

(b) the voter makes a further application as permitted by rule 39(2G).

- (4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (8) Subject to rule 39(2G) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 37(3) or 39(2E), and
  - (b) any reference to paragraph (2E) or (2G) of rule 39 includes a reference to that paragraph as applied by rule 40, 41 or 42.”
- (11) In rule 47 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 43A,”.
- (12) In rule 65 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list,”.
- (13) In rule 66 (delivery of documents), in paragraph (2) after sub-paragraph (c) insert—
- “(ca) the packet containing the completed ballot paper refusal list,”.
- (14) In rule 67 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a PCC election petition.”.
- (15) In rule 70 (forms)—
- (a) in the list of forms, after the entry “Form 14 Official postal proxy poll card (rule 28)” insert “Form 14A Ballot paper refusal list (rule 29(4A))”;
  - (b) for Form 11 (official poll card) substitute the corresponding form in Part 2 of Schedule 10;
  - (c) for Form 13 (official proxy poll card) substitute the corresponding form in Part 2 of Schedule 10;
  - (d) after Form 14 (official postal proxy poll card) insert new Form 14A (ballot paper refusal list) as set out in Part 2 of Schedule 10;

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- (e) for Form 16 (Notice for guidance of voters for exhibition inside and outside polling station) substitute the corresponding form in Part 2 of Schedule 10.

#### Commencement Information

**I64** Reg. 60 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Part 3 of Schedule 4 (modifications to PCC elections rules for combination of polls)

- 61.**—(1) Part 3 of Schedule 4 (modifications to PCC elections rules) is amended as follows.
- (2) In paragraph 21 (provision of polling stations), for “and (4)” substitute “, (4) and (5)”.
- (3) In paragraph 23 (issue of official poll cards), in the inserted text—
- (a) in paragraph (5), for “If” substitute “Subject to paragraph (5A), if”;
- (b) after paragraph (5) insert—
- “(5A) Paragraph (5) does not apply in respect of the official poll card for—
- (a) a local government election in Wales,
- (b) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000, or
- (c) a referendum in Wales under Part 2 of the Local Government Act 2000.”.
- (4) In paragraph 24 (equipment of polling stations)—
- (a) after paragraph (3) insert—
- “(3A) Omit paragraph (5)(ba).”;
- (b) in paragraph (4), in the inserted text, at the end insert—
- “(5ZB) The local returning officer must provide each polling station with a ballot paper refusal list, in Form 14A or a form to like effect, on which entries are to be made as mentioned in rule 43A (refusal to deliver ballot paper).”.
- (5) In paragraph 43 (sealing up of ballot papers), in sub-paragraph (2), in the substituted text, after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list, or”.
- (6) In paragraph 44 (delivery of documents), in the substituted text, in paragraph (2), after sub-paragraph (c) insert—
- “(ca) the packet containing the completed ballot paper refusal list;”.

#### Commencement Information

**I65** Reg. 61 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Part 5 of Schedule 4 (modifications to PCC elections rules for combination of poll with the poll for an election to Senedd Cymru)

- 62.**—(1) Part 5 of Schedule 4 (modifications to PCC elections rules for combination of poll with the poll for an election to Senedd Cymru) is amended as follows.
- (2) In the heading of Part 5, for “Assembly” substitute “Senedd”.



(3) In paragraph 46 (introduction), in sub-paragraph (1)(a) and (2), for “an Assembly” substitute “a Senedd”.

(4) In paragraph 47 (modification of paragraph 13 (interpretation)), in sub-paragraph (1)(a), in the substituted sub-paragraph (2)(a)—

(a) for “Assembly” in the first two places it occurs substitute “Senedd”;

(b) for “an Assembly” substitute “a Senedd”.

(5) In paragraph 49 (modification of paragraph 19 (notice of poll)), in the substituted paragraph (3A), for “Assembly” in each place it occurs substitute “Senedd”.

(6) After paragraph 49 insert—

**“Modification of paragraph 23 (issue of official poll cards)**

**49A.** In paragraph 23 (issue of official poll cards), in the inserted text, in paragraph (5A) after sub-paragraph (a) insert—

“(aa) a Senedd election.”.

(7) In paragraph 50 (modification of paragraph 35 (correction of errors on day of the poll)), in sub-paragraph (a), in the substituted paragraph (2), for “an Assembly” substitute “a Senedd”.

(8) In paragraph 51 (modification of paragraph 42 (the first count)), for “Assembly” substitute “Senedd”.

(9) In paragraph 52 (countermand or abandonment of poll on death of candidate), in the inserted paragraph 44A, in the inserted paragraph (5A), for “Assembly” substitute “Senedd”.

**Commencement Information**

**I66** Reg. 62 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of the Neighbourhood Planning (Referendums) Regulations 2012**

**63.** The Neighbourhood Planning (Referendums) Regulations 2012 are amended in accordance with regulations [64](#) to [67](#).

**Commencement Information**

**I67** Reg. 63 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 3 (neighbourhood planning referendum rules)**

**64.—(1)** Schedule 3 (neighbourhood planning referendum rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “31A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), for paragraph (1) substitute—

“(1) In these Rules—

“anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;

“voter” means a person entitled to vote on their own behalf.”.

(4) In rule 15 (provision of polling stations), after paragraph (4) insert—

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“(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 16 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 25(3) or rule 27(1E) (including that rule as applied by rule 28, 28 or 30), or
- (c) resolve doubts over identity as mentioned in rule 27(1F) (including that paragraph as applied by rule 28, 29 or 30).”.

(6) In rule 18 (equipment of polling stations)—

(a) in paragraph (5)—

- (i) in sub-paragraph (a), omit the final “and”;
- (ii) after sub-paragraph (a) insert—

“(aa) a ballot paper refusal list, set out in Form 10A in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 31A (refusal to deliver ballot paper); and”;

(b) after paragraph (6) insert—

“(6A) A large notice must be displayed inside each polling station containing—

- (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
  - (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
  - (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.

(7) In rule 25 (questions to be put to voters and proxies)—

(a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—

- “(za) What is your name?
- (zb) What is your address?”;

(b) after paragraph (2) insert—

“(2A) Where a clerk—

- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,

the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;

- (c) for paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives the person the required information,
  - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
  - (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person (and see rule 31A for the procedure where a ballot paper is refused under this paragraph).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;
  - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of a voter or proxy in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter or proxy is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
- “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
  - (b) giving false information may be an offence.”.
- (8) In rule 27 (voting procedure)—
- (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 25(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—

“(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.

(1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.

(1C) Paragraph (1D) applies in relation to a voter or proxy where—

    - (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
    - (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.

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(1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.

(1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—

- (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.

(1F) Paragraph (1E)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter or proxy producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a "forged document" means a false document made to resemble a specified document.

(1I) In this rule, a "specified document"—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the registration officer for the local authority in whose area the referendum is held,
  - (ii) contains the number—
    - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's identity, except as permitted by the voter.

- (1M) References in this rule to producing a document are to producing it for inspection.”;
- (c) in paragraph (2), omit the words from “and only” to the end;
- (d) omit paragraph (3)(a).
- (9) In rule 28 (votes marked by the presiding officer)—
- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—
- “(1A) Paragraphs (1A) to (1M) of rule 27 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 27(1), but as if—
- (a) references to delivering a ballot paper to a voter or proxy were to causing a voter’s or proxy’s vote to be marked on a ballot paper, and
- (b) in rule 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.
- (10) In rule 29 (voting by persons with disabilities)—
- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—
- “(2A) Paragraphs (1A) to (1M) of rule 27 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 27(1), but as if—
- (a) references to delivering a ballot paper to a voter or proxy were to granting a voter’s or proxy’s application, and
- (b) in rule 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.
- (11) In rule 30 (tendered ballot papers: circumstances where available), after paragraph (6) insert—
- “(7) Paragraphs (1A) to (1M) of rule 27 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy who applies for a ballot paper under rule 27(1), but as if in rule 27(1G), the reference to making a further application under paragraph (1) of rule 27 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.”.
- (12) After rule 31 (tendered ballot papers: general provisions) insert—
- “Refusal to deliver ballot paper**
- 31A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

*Status: Point in time view as at 13/01/2023. This version of this Instrument contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)

- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 27(1E), and
  - (b) the voter or proxy makes a further application under rule 27(1).
- (4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (8) Subject to rule 27(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review in proceedings brought as mentioned in section 61N(3) of the 1990 Act<sup>(52)</sup>.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 25(3) or 27(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 27 includes a reference to that paragraph as applied by rule 28, 29 or 30.”
- (13) In rule 35 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 31A;”.
- (14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—
- “(ba) the completed ballot paper refusal list;”.
- (15) In rule 45 (delivery of documents to relevant registration officer), after paragraph (d) insert—
- “(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 46 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.”.
- (17) In Part 8 (appendix of forms)—

<sup>(52)</sup> Section 61N was inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20), and subsection (3) was amended by section 92(1) of the Criminal Justice and Courts Act 2015 (c. 2).

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- (a) in the list of Forms, after the entry “Form 10—Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Form 10A—Ballot Paper Refusal List”;
- (b) for Form 7 (official poll card) substitute the corresponding form in Part 1 of Schedule 11;
- (c) for Form 9 (official proxy poll card) substitute the corresponding form in Part 1 of Schedule 11;
- (d) after Form 10 (official proxy postal poll card) insert new Form 10A (ballot paper refusal list) as set out in Part 1 of Schedule 11;
- (e) for Form 11 (form of directions for the guidance of the voters and proxies in voting) substitute the corresponding form in Part 1 of Schedule 11.

**Commencement Information**

**168** Reg. 64 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Part 1 of Schedule 4 (application, with modification, of other Acts and subordinate legislation)**

**65.**—(1) Part 1 of Schedule 4 (application, with modifications, of other Acts and subordinate legislation) is amended as follows.

(2) In Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column, after the text relating to subsections (2) to (4) insert—

“In subsection (6ZB), for “(2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “(2)(a) and (3)(a)”.”.

(3) In Table 6 (Representation of the People (England and Wales) Regulations 2001)—

- (a) in the entry for regulation 55A, in the first column, at the end insert “: grounds relating to occupation, service or employment”;
- (b) after that entry insert—

“Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)”;

- (c) for the entry for regulation 56 substitute—

“Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.

In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.

In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.

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Regulation 56A (grounds relating to voter identification) In paragraph (3)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.

In paragraph (6)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.

#### Commencement Information

**I69** Reg. 65 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 5 (neighbourhood planning referendum combination of polls rules)

**66.**—(1) Schedule 5 (neighbourhood planning referendum combination of polls rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “31A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before the definition of “polling agent” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) in the definition of “relevant and returning or counting officer”, omit the final “and”;

(c) after that definition insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022; and”.

(4) In rule 15 (provision of polling stations), after paragraph (6) insert—

“(7) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 16 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 25(3) or rule 27(1E) (including that rule as applied by rule 28, 28 or 30), or

(c) resolve doubts over identity as mentioned in rule 27(1F) (including that paragraph as applied by rule 28, 29 or 30).”.



- (6) In rule 18 (equipment of polling stations)—
- (a) after paragraph (5) insert—
- “(5A) The counting officer must also provide each polling station with a ballot paper refusal list, in the form set out in Form 11A in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 31A (refusal to deliver ballot paper).”;
- (b) after paragraph (8) insert—
- “(8A) A large notice must be displayed inside each polling station containing—
- (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
- (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.
- (7) In rule 25 (questions to be put to voters and proxies)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) What is your name?  
(zb) What is your address?”;
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
- (c) for paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives the person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person (and see rule 31A for the procedure where a ballot paper is refused under this paragraph).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—

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- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;
  - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of a voter or proxy in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter or proxy is not to be regarded as an inquiry as to the right of the person to vote)”;
  - (e) after paragraph (4) insert—
    - “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
      - (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
      - (b) giving false information may be an offence.”.
- (8) In rule 27 (voting procedure)—
- (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 25(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—
    - “(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.
    - (1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.
    - (1C) Paragraph (1D) applies in relation to a voter or proxy where—
      - (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
      - (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.
    - (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.
    - (1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—
      - (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
      - (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.
    - (1F) Paragraph (1E)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter or proxy producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a "forged document" means a false document made to resemble a specified document.

(1I) In this rule, a "specified document"—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the registration officer for the local authority in whose area the referendum is held,
  - (ii) contains the number—
    - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's identity, except as permitted by the voter.

(1M) References in this rule to producing a document are to producing it for inspection.”;

- (c) in paragraph (2), omit the words from “and only” to the end;
  - (d) omit paragraph (3)(a).
- (9) In rule 28 (votes marked by the presiding officer)—
- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
  - (b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 27 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 27(1), but as if—

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- (a) references to delivering a ballot paper to a voter or proxy were to causing a voter's or proxy's vote to be marked on a ballot paper, and
  - (b) in rule 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.
- (10) In rule 29 (voting by persons with disabilities)—
- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraphs (1A) to (1M) of rule 27 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 27(1), but as if—
    - (a) references to delivering a ballot paper to a voter or proxy were to granting a voter's or proxy's application, and
    - (b) in rule 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.
- (11) In rule 30 (tendered ballot papers: circumstances where available), after paragraph (6) insert—
- “(7) Paragraphs (1A) to (1M) of rule 27 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy who applies for a ballot paper under rule 27(1), but as if in rule 27(1G), the reference to making a further application under paragraph (1) of rule 27 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.”.
- (12) After rule 31 (tendered ballot papers: general provisions) insert—
- “Refusal to deliver ballot paper**
- 31A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter's electoral number, and
  - (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 27(1E), and
  - (b) the voter or proxy makes a further application under rule 27(1).
- (4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in

the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person's "electoral number" is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(8) Subject to rule 27(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.

(9) A refusal to deliver a ballot paper to a voter or proxy is subject to review in proceedings brought as mentioned in section 61N(3) of the 1990 Act.

(10) In this rule—

- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 25(3) or 27(1E), and
- (b) any reference to paragraph (1E) or (1G) of rule 27 includes a reference to that paragraph as applied by rule 28, 29 or 30."

(13) In rule 35 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—  
“(da) the ballot paper refusal list completed in accordance with rule 31A;”.

(14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—  
“(aa) the completed ballot paper refusal list; or”.

(15) In rule 45 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—  
“(da) the packet containing the completed ballot paper refusal list;”.

(16) In rule 46 (orders for production of documents), after paragraph (1) insert—

- “(1A) An order—
  - (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,

may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.”.

(17) In Part 8 (appendix of forms)—

- (a) in the list of Forms, after the entry “Form 11—Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Form 11A—Ballot Paper Refusal List”;
- (b) for Form 8 (official poll card) substitute the corresponding form in Part 2 of Schedule 11;
- (c) for Form 10 (official proxy poll card) substitute the corresponding form in Part 2 of Schedule 11;
- (d) after Form 11 (official proxy postal poll card) insert new Form 11A (ballot paper refusal list) as set out in Part 2 of Schedule 11;
- (e) for Form 12 (form of directions for the guidance of the voters and proxies in voting) substitute the corresponding form in Part 2 of Schedule 11.

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#### Commencement Information

**I70** Reg. 66 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 6 (registering to vote in a business referendum)

**67.** In Schedule 6 (registering to vote in a business referendum), omit paragraph 38(1)(e).

#### Commencement Information

**I71** Reg. 67 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of the 2016 Regulations

**68.** The 2016 Regulations are amended in accordance with regulations [69](#) to [92](#).

#### Commencement Information

**I72** Reg. 68 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 2 (application)

**69.** In regulation 2 (application), in paragraph (2)—

(a) before sub-paragraph (a) insert—

“(za) regulation 20A (provision of private area for production of proof of identity);”;

(b) after sub-paragraph (a) insert—

“(aa) regulation 30A (refusal to deliver signing sheet);”;

(c) after sub-paragraph (e) insert—

“(ea) regulation 63A (additional requirements for applications for the appointment of a proxy on grounds relation to identification);”;

(d) in sub-paragraph (i), after “particular petition” insert “on grounds relating to occupation, service or employment”;

(e) after sub-paragraph (i) insert—

“(ia) regulation 69A (additional requirements: applications for an emergency proxy signature in respect of a particular petition on grounds relating to identification);”;

(f) after sub-paragraph (j) insert—

“(ja) regulation 71A (grounds relating to identification);”.

#### Commencement Information

**I73** Reg. 69 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of regulation 3 (interpretation)**

**70.** In regulation 3 (interpretation), in paragraph (1)—

(a) after the definition of “allotted petition signing place” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) after the definition of “special lists” insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”.

#### **Commencement Information**

**I74** Reg. 70 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of regulation 17 (appointment of petition assistants)**

**71.** In regulation 17 (appointment of petition assistants), in paragraph (3)—

(a) in sub-paragraph (b)—

(i) after “sheet under” insert “paragraph (3A) of regulation 25 (questions to be put to persons signing the petition), paragraph (1E) of regulation 27 (signing procedure in England and Wales and Scotland) or”;

(ii) for “that paragraph” substitute “those paragraphs”;

(b) after sub-paragraph (b) insert—

“(c) resolve doubts over identity as mentioned in paragraph (1F) of regulation 27 (including that paragraph as applied by regulation 29 or regulation 30).”.

#### **Commencement Information**

**I75** Reg. 71 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of regulation 18 (issue of official petition notice)**

**72.** In regulation 18 (issue of official petition notice), in paragraph (7)—

(a) after sub-paragraph (f) insert—

“(fa) in respect of an official petition notice described in paragraph (6)(a) or (c) for a recall petition held in England, Wales or Scotland, details of the documents the elector or proxy needs to produce when applying for a signing sheet, namely—

(i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of an elector with an anonymous entry, the elector’s official petition notice and an anonymous elector’s document showing the same number on the register as the number on the register shown on the official petition notice;”;

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(b) in paragraph (8), after “(f)” insert “, (fa)”.

#### Commencement Information

**I76** Reg. 72 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 19 (equipment at petition signing place)

**73.** In regulation 19 (equipment at petition signing place)—

(a) after paragraph (3) insert—

“(3A) For a petition signing place in England, Wales or Scotland, the petition officer must also provide each petition signing place with a signing sheet refusal list, in the form set out in Form G1 in Schedule 2 or a form to like effect, on which entries are to be made as mentioned in regulation 30A (refusal to deliver signing sheet: England and Wales and Scotland).”;

(b) after paragraph (5) insert—

“(5A) A large notice must be displayed inside each petition signing place in England, Wales and Scotland containing—

(a) details of the documents that a person needs to produce when applying for a signing sheet, namely—

(i) in the case of a person (other than a person with an anonymous entry) or a proxy, any of the forms of identification for the time referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a person with an anonymous entry, the person’s official petition notice and an anonymous elector’s document showing the same electoral number as the number shown on the official petition notice; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the person attending that place for the purpose of signing the petition claims to be.”.

#### Commencement Information

**I77** Reg. 73 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### New regulation 20A (provision of private area for production of proof of identity: England and Wales and Scotland)

**74.** After regulation 20 (identification of secure storage) insert—

##### “Provision of private area for production of proof of identity: England and Wales and Scotland

**20A.** The petition officer must ensure that each petition signing place in England, Wales and Scotland contains an area in which a person who attends that place for the purpose of signing the petition can produce proof of identity in private.”.



## Commencement Information

**178** Reg. 74 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of regulation 25 (questions to be put to persons signing the petition)

- 75.** In regulation 25 (questions to be put to persons signing the petition)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal signers) and entry 6 (proxy postal signers), before question (a) insert—
    - “(za) At a petition held in England, Wales or Scotland, “What is your name?”
    - “(zb) At a petition held in England, Wales or Scotland, “What is your address?””;
  - (b) after paragraph (3) insert—
    - “(3A) Where at a petition held in England, Wales or Scotland an assistant appointed to assist the petition clerk—
      - (a) gives a person the required information (see paragraph (6)),
      - (b) puts a question specified in paragraph (1) to a person, and
      - (c) decides that the person has failed to answer the question satisfactorily,the assistant must refer the matter to the petition clerk, who must put the question to the person again.”;
    - (c) in paragraph (4), for “A” substitute “At a petition held in Northern Ireland, a”;
    - (d) after paragraph (4) insert—
      - “(4A) Where at a petition held in England, Wales or Scotland the petition clerk—
        - (a) gives a person the required information,
        - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (3A)), and
        - (c) decides that the person has failed to answer the question satisfactorily,the petition clerk must refuse to deliver a signing sheet to the person (and see regulation 30A (procedure where signing sheet is refused under this paragraph)).
      - (4B) For the purposes of this regulation, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
        - (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register;
        - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
      - (4C) In the case of an elector in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act, the references to the register in paragraph (4B) are to be read as references to the notice issued under section 13BC(6).”;
    - (e) in paragraph (5), after “petition” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a person is not to be regarded as an inquiry as to the right of the person to sign the petition)”;
    - (f) after paragraph (5) insert—
      - “(6) For the purposes of this regulation, a person to whom any question is to be put is given “the required information” if the person is first informed that—

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- (a) a signing sheet will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”.

#### Commencement Information

**I79** Reg. 75 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 27 (signing procedure: England and Wales and Scotland)

**76.—(1)** Regulation 27 (signing procedure: England and Wales and Scotland) is amended as follows.

(2) In paragraph (1)—

- (a) for “A” substitute “Subject to regulation 25(4A) and to paragraphs (1A) to (1N), a”;
- (b) omit sub-paragraph (a).

(3) After paragraph (1) insert—

“(1A) A signing sheet must not be delivered to a person unless the person produces a specified document to the petition clerk or an assistant to the petition clerk.

(1B) The petition clerk or assistant must arrange for the person to produce any document in a private area of the petition signing place if the person so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the person.

(1C) Paragraph (1D) applies in relation to a person where—

- (a) the person produces a specified document to an assistant to the petition clerk and the assistant decides that the document raises a reasonable doubt as to whether the person is the elector or proxy that the person claims to be, or
- (b) the person produces a document to an assistant that the assistant reasonably suspects to be a forged document.

(1D) Where this paragraph applies, the assistant must refer the matter and produce the document to the petition clerk, who must proceed as if the person had produced the document to the petition clerk in the first place.

(1E) The petition clerk must refuse to deliver a signing sheet to a person where—

- (a) the person produces a specified document to the clerk and the clerk decides that the document raises a reasonable doubt as to whether the person is the elector or proxy that the person claims to be, or
- (b) the person produces a document to the clerk that the clerk reasonably suspects to be a forged document.

(1F) Paragraph (1E)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the person claims to be is resolved to the petition clerk’s satisfaction at the time of the application by the person producing further proof of identity, and
- (b) the petition clerk has no other reason (arising from any document produced by the person) to doubt that the person is the elector or proxy that the person claims to be.

(1G) The refusal to deliver a signing sheet to a person under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a “forged document” means a false document made to resemble a specified document.

(1I) In this rule, a “specified document”—

- (a) except in the case of a person who has an anonymous entry in the register, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a person who has an anonymous entry in the register, means an anonymous elector’s document which—
  - (i) was issued by the appropriate registration officer;
  - (ii) contains the number allocated to the person as stated in the copy of the register.

(1J) (1J) In paragraph (1I)(b)(i), the “appropriate registration officer” means—

- (a) the registration officer of the local authority in whose area the constituency of the MP to whom the petition relates is situated, or
- (b) where the petition relates to a constituency for which there is more than one registration officer, any of those officers.

(1K) Subject to paragraph (1L), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1L) Paragraph (1K) does not apply to a temporary electoral identity document where the date for which the temporary electoral identity document is issued is before the designated day.

(1M) No person other than the petition clerk or an assistant to the petition clerk may inspect a document produced as proof of a person’s identity, except as permitted by the person.

(1N) References in this regulation to producing a document are to producing it for inspection.”.

(4) In paragraph (2), omit the words from “and only” to the end.

(5) In paragraph (3), for “subparagraphs (a) and (c) of paragraph (1)” substitute “paragraphs (1)(c) and (1I)(b)(ii)”.

#### **Commencement Information**

**180** Reg. 76 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of regulation 29 (signing sheets endorsed by petition clerk)**

77. In regulation 29 (signing sheets endorsed by petition clerk), after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1N) of regulation 27 (signing procedure: England and Wales and Scotland) apply in the case of a person who applies under paragraph (1) as they apply in the case of a person who applies under regulation 27(1), but as if—

- (a) references to delivering a signing sheet to a person were references to endorsing a signing sheet, and

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- (b) in regulation 27(1G), the reference to paragraph (1) of regulation 27 were a reference to paragraph (1) of this regulation.”.

#### Commencement Information

**I81** Reg. 77 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 30 (tendered signing sheets)

**78.** In regulation 30 (tendered signing sheets), after paragraph (7) insert—

“(7A) Paragraphs (1A) to (1N) of regulation 27 (signing procedure: England and Wales and Scotland) apply in the case of a person entitled to sign a tendered signing sheet as they apply in the case of a person who applies for a signing sheet under regulation 27(1), but as if in regulation 27(1G), the reference to making a further application under regulation 27(1) were to seeking a further time to mark a tendered ballot paper under the paragraph of this regulation under which a previous such attempt was made.”.

#### Commencement Information

**I82** Reg. 78 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### New regulation 30A (refusal to deliver signing sheet: England and Wales and Scotland)

**79.** After regulation 30 (tendered signing sheets) insert—

##### “Refusal to deliver signing sheet: England and Wales and Scotland

**30A.—(1)** This regulation applies where a petition clerk refuses to deliver a signing sheet under regulation 27(1E) (including that paragraph as applied by regulation 29 (signing sheets endorsed by the petition clerk) or regulation 30 (tendered signing sheets)).

(2) Where a petition clerk refuses to deliver a signing sheet to a person who applied for one as an elector, the clerk or an assistant to the clerk must enter on the signing sheet refusal list—

- (a) the person’s electoral number, and
- (b) against that number, the reason for the refusal.

(3) Where a petition clerk refuses to deliver a signing sheet to a person who applied for one as a proxy, the clerk or an assistant to the clerk must enter on the signing sheet refusal list—

- (a) the name and address of the elector, and
- (b) against those details, the reason for the refusal.

(4) Paragraphs (5) and (6) apply where—

- (a) a petition clerk refuses to deliver a signing sheet to a person under regulation 27(1E), and
- (b) the person makes a further application under regulation 27(1).

(5) If a signing sheet is delivered to the person following a further application, the petition clerk or an assistant to the petition clerk must note that fact on the signing sheet refusal list.

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(6) If the petition clerk again refuses to deliver a signing sheet to the person, the petition clerk or an assistant to the petition clerk must note that fact on the signing sheet refusal list.

(7) Entries required by this regulation to be made to the signing sheet refusal list must be made as soon as practicable after delivery of a signing sheet to a person is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a signing sheet to a person).

(8) For the purposes of paragraph (2)(a), a person's "electoral number" is the number—

- (a) allocated to the person as stated in the copy of the register, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13BC(6) of the 1983 Act, as stated in the copy of that notice.

(9) Subject to regulation 27(1G) and paragraph (10), a refusal to deliver a signing sheet to a person is final and may not be questioned in any proceeding whatsoever.

(10) A refusal to deliver a signing sheet to a person is subject to review on a recall petition complaint.

(11) In this regulation—

- (a) except in paragraph (4)(a), any reference to the refusal to deliver a signing sheet (however expressed) is to the refusal to do so under regulation 25(4A) or 27(1G), and
- (b) any reference to paragraph (1E) or (1G) or regulation 27 includes a reference to that paragraph as applied by regulation 29 or 30."

#### **Commencement Information**

**I83** Reg. 79 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of regulation 33 (daily verification and storage)**

**80.** In regulation 33 (daily verification and storage), in paragraph (5) after sub-paragraph (e) insert—

“(ea) the signing sheet refusal list;”.

#### **Commencement Information**

**I84** Reg. 80 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of regulation 37 (procedure on close of petition)**

**81.** In regulation 37 (procedure on close of petition), in paragraph (1) after sub-paragraph (e) insert—

“(ea) in the case of a petition held in England, Wales or Scotland, the signing sheet refusal list completed in accordance with regulation 30A;”.

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#### Commencement Information

**185** Reg. 81 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 43 (sealing up of signing sheets)

**82.** In regulation 43 (sealing up of signing sheets), in paragraph (2) after sub-paragraph (b) insert—

“(ba) in the case of a petition held in England, Wales or Scotland, the completed signing sheet refusal list;”.

#### Commencement Information

**186** Reg. 82 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 44 (delivery of documents to the registration officer: England and Wales and Northern Ireland)

**83.** In regulation 44 (delivery of documents to the registration officer: England and Wales and Northern Ireland), in paragraph (1) after sub-paragraph (d) insert—

“(da) in the case of a petition held in England or Wales, the packet containing the completed signing sheet refusal list;”.

#### Commencement Information

**187** Reg. 83 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 45 (orders for production of documents: England and Wales and Northern Ireland)

**84.** In regulation 45 (orders for production of documents: England and Wales and Northern Ireland), after paragraph (1) insert—

“(1A) In respect of a petition held in England or Wales, an order may be made by the bodies and in the circumstances described in paragraph (2)—

- (a) for the opening of the sealed packet containing a completed signing sheet refusal list, or
- (b) for the inspection or production of that list.”.

#### Commencement Information

**188** Reg. 84 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 60 (general requirements for applications for absent signing)

**85.** In regulation 60 (general requirements for applications for absent signing), in paragraph (6) at the end insert “and (where applicable) regulation 63 (additional requirement for applications for the appointment of a proxy) and regulation 63A (additional requirements for

applications for the appointment of a proxy on grounds relating to identification: England and Wales and Scotland)”.  
.....

**Commencement Information**

**189** Reg. 85 in force at 16.1.2023, see [reg. 1\(3\)](#)

**New regulation 63A (additional requirements for applications for the appointment of a proxy on grounds relating to identification: England and Wales and Scotland)**

**86.** After regulation 63 (additional requirements for applications for the appointment of a proxy) insert—

**“Additional requirements for applications for the appointment of a proxy on grounds relating to identification: England and Wales and Scotland**

**63A.—**(1) Paragraph (2) applies where—

- (a) an applicant (“A”) makes an application under regulation 57(6) or (7) for the appointment of a proxy for the purposes of signing a petition held in England or Wales or Scotland;
  - (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;
  - (c) at the time of making the application, B’s appointment remains in force; and
  - (d) A’s application is made on grounds relating to identification which relate to B.
- (2) Where this paragraph applies A’s application must
- (a) state that this paragraph applies, and
  - (b) state, to the best of A’s knowledge and belief, which of the conditions set out in regulation 71A apply in respect of B.
- (3) In paragraph (2)—
- (a) in sub-paragraph (a), the reference to an application under regulation 57(7) includes such an application which is included in an application under 53(2);
  - (b) in sub-paragraph (d), “grounds relating to identification” has the meaning given in regulation 71A.”.

.....  
**Commencement Information**

**190** Reg. 86 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 69 (additional requirements: applications for an emergency proxy signature in respect of a particular petition: England and Wales and Scotland)**

**87.** In regulation 69 (additional requirements: applications for an emergency proxy signature in respect of a particular petition: England and Wales and Scotland), in the heading after “petition” insert “on grounds relating to occupation, service or employment”.

.....  
**Commencement Information**

**191** Reg. 87 in force at 16.1.2023, see [reg. 1\(3\)](#)

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**New regulation 69A (additional requirements: applications for an emergency proxy signature in respect of a particular petition on grounds relating to identification: England and Wales and Scotland)**

88. After regulation 69 insert—

**“Additional requirements: applications for an emergency proxy signature in respect of a particular petition on grounds relating to identification: England and Wales and Scotland**

**69A.**—(1) Subject to paragraph (2), this regulation applies to an application under regulation 53(2) to which regulation 71(4A) applies.

(2) This regulation does not apply where—

(a) the application under regulation 53(2) includes an application under regulation 57(7), and

(b) regulation 63A(2) applies to that application under regulation 57(7).

(3) Where this regulation applies, the application under regulation 53(2) must (in addition to providing any other information required by this Chapter)—

(a) state that it is made on grounds relating to identification, and

(b) state which of the conditions set out in regulation 71A apply to the applicant.

(4) In paragraph (3)(a), “grounds relating to identification” has the meaning given in regulation 71A.”.

**Commencement Information**

**I92** Reg. 88 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 71 (closing date for applications: England and Wales and Scotland)**

**89.**—(1) Regulation 71 (closing date for applications: England and Wales and Scotland) is amended as follows.

(2) In paragraph (2), for “An” substitute “Subject to paragraph (2A), an”.

(3) After that paragraph insert—

“(2A) An application under regulation 57(6) which is made on grounds relating to identification must be disregarded for the purposes of a particular petition if it is received by the registration officer after the relevant time on the last day of the signing period at the petition for which it is made.”.

(4) In paragraph (3), for “paragraph (4)” substitute “paragraphs (4) or (4A)”.

(5) In paragraph (4)—

(a) after “received” insert “after the relevant time”;

(b) omit the words from “less than 5 hours” to the end.

(6) After paragraph (4) insert—

“(4A) Where an application is made under regulation 53(2) or 57(7) on grounds relating to identification, the application must be refused if it is received after the relevant time on the last day of the signing period at the petition for which it is made.



(4B) In paragraphs (2A) and (4A), “grounds relating to identification” has the meaning given in regulation 71A.”.

(7) After paragraph (7) insert—

“(8) In this regulation, “the relevant time” on the last day of the signing period means—

- (a) 5pm, or
- (b) if earlier, the beginning of the final hour that the petition is available for signing on that day.”.

#### **Commencement Information**

**193** Reg. 89 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **New regulation 71A (grounds relating to identification: England and Wales and Scotland)**

**90.** After regulation 71 insert—

##### **“Grounds relating to identification: England and Wales and Scotland**

**71A.**—(1) For the purposes of this Part, an application is made on grounds relating to identification if it is made because the following apply to B—

- (a) condition 1, 2 or 3, and
- (b) except where B has an anonymous entry in the register, condition 4.

(2) In this regulation, “B” means—

- (a) the applicant, where—
  - (i) the application is made under regulation 53(2), and
  - (ii) regulation 63A(2) does not apply to the application made under regulation 57(7) which is included in that application under regulation 53(2);
- (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.

(3) Condition 1 is that—

- (a) immediately before the deadline, B has a specified document which B intends to use to sign the petition in person, and
- (b) after that deadline, that document is—
  - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that petition, or
  - (ii) sent by B to another person to prove B’s identity, and B considers it is unlikely to be returned to B on or before the last day of the signing period at that petition.

(4) Condition 2 is that—

- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
- (b) immediately before the deadline, B has not received that document, and
- (c) the application for the specified document has not been refused or withdrawn.

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- (5) Condition 3 is that—
- (a) B has an anonymous entry in the register, and
  - (b) either—
    - (i) B has not been issued with an anonymous elector’s document, or
    - (ii) B has been issued with an anonymous elector’s document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) Condition 4 is that B does not have access to another specified document.
- (7) In this regulation—
- (a) the “deadline” means 5pm on the sixth day before the last day of the signing period at the petition to which the application relates;
  - (b) “specified document” has the meaning given in regulation 27(1I).”.

#### Commencement Information

**I94** Reg. 90 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 144 (forms)

**91.** In regulation 144 (forms)—

- (a) in paragraph (2)(b), for “or Part 2 of that Schedule” substitute “of that Schedule or in an order made under section 26(2) of the Welsh Language Act 1993(53) as applied by section 21(5) of the Act”;
- (b) after paragraph (2) insert—
  - “(2A) Paragraph (2)(c) does not apply to a reference to form G1.”.

#### Commencement Information

**I95** Reg. 91 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 2 (forms)

**92.** In Schedule 2 (forms)—

- (a) in Part 1 (United Kingdom)—
  - (i) for Form D (official petition notice for an elector who may sign the petition in person), substitute the corresponding form in Schedule 12;
  - (ii) for Form F (official petition notice for a proxy who may sign the petition in person), substitute the corresponding form in Schedule 12;
  - (iii) after Form G (official petition notice for a proxy who may sign the petition by post), insert new Form G1 (signing sheet refusal list) as set out in Schedule 12;
  - (iv) for Form H (guidance for person signing the petition), substitute the corresponding form in Schedule 12;
  - (v) for Form J (proxy paper), substitute the corresponding form in Schedule 12;

(b) omit Part 2 (Welsh forms).

**Commencement Information**

**I96** Reg. 92 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of the Combined Authorities (Mayoral Elections) Order 2017**

**93.** The Combined Authorities (Mayoral Elections) Order 2017 is amended in accordance with regulations [94](#) to [96](#).

**Commencement Information**

**I97** Reg. 93 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 1 (combined authorities mayoral election rules)**

**94.—**(1) Schedule 1 (combined authorities mayoral election rules) is amended as follows.

(2) In the list of contents—

- (a) in the appropriate place insert “41A Refusal to deliver ballot paper”;
- (b) in the appropriate place insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40”;
- (c) in the appropriate place insert “Form 11A—Ballot paper refusal list”.

(3) In rule 2 (interpretation), for paragraph (1) substitute—

“(1) In these Rules—

“anonymous elector’s document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;

“the Appendix” means the Appendix to these Rules contained in Part 9 of this Schedule;

“temporary electoral identity document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022.”.

(4) In rule 25 (provision of polling stations) after paragraph (4) insert—

“(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 35(3) or rule 37(1E) (including that rule as applied by rules 38, 39 or 40), or
- (c) resolve doubts over identity as mentioned in rule 37(1F) (including that rule as applied by rule 38, 39 or 40).”.

(6) In rule 28 (equipment of polling stations)—

- (a) in paragraph (3) after sub-paragraph (d) insert—

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- “(e) a ballot paper refusal list, in the appropriate form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper).”;
- (b) after paragraph (6) insert—
- “(6A) A large notice must be displayed inside each polling station containing—
- (a) details of the documents the elector or proxy needs to produce when applying for a ballot paper, namely—
- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.”.
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) What is your name?  
 (zb) What is your address?”;
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (b) puts a question specified in paragraph (1) to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
- (c) for paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives a person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person (and see rule 41A (procedure where ballot paper is refused under this paragraph)).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of local government electors;

- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
  - “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
    - (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
    - (b) giving false information may be an offence.”.
- (8) In rule 37 (voting procedure)—
  - (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—
    - “(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
    - (1B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
    - (1C) Paragraph (1D) applies in relation to a voter where—
      - (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.
    - (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.
    - (1E) The presiding officer must refuse to deliver a ballot paper to a voter where—
      - (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
    - (1F) Paragraph (1E)(a) does not apply where—
      - (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and

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(b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(1G) The refusal to deliver a ballot paper to a voter under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a “forged document” means a false document made to resemble a specified document.

(1I) In this rule, a “specified document”—

(a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);

(b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document which—

(i) was issued by the registration officer for the constituent council in whose area the polling station to which the voter is allotted is situated,

(ii) contains the number—

(aa) allocated to the voter as stated in the copy of the register of electors, or

(bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

(1M) References in this rule to producing a document are to producing it for inspection.”;

(c) in paragraph (2), omit the words from “and only” to the end;

(d) omit paragraph (3)(a).

(9) In rule 38 (votes marked by presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

(a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and

(b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(10) In rule 39 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
- (b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(11) In rule 40 (tendered ballot papers—circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if, in rule 37(1G) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(12) After rule 41 (tendered ballot papers—general provisions) insert—

**“Refusal to deliver ballot paper**

**41A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and
- (b) the voter makes a further application as permitted by rule 37(1G).

(4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or

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(b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(8) Subject to rule 37(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.

(9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.

(10) In this rule—

(a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and

(b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

#### **Collection and disclosure of information relating to applications made under rules 37 to 40**

**41B.**—(1) This rule applies in relation to an election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

(2) The presiding officer must—

(a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and

(b) provide that information to the returning officer as soon as practicable after the close of the poll.

(3) The returning officer must forward the information to the relevant registration officer.

(4) As soon as reasonably practicable after receiving the information the relevant registration officer must—

(a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and

(b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

(a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and

(b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—

(a) allocated to the person as stated in the copy of the register of electors, or



- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.
- (9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—
  - (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (11) In this rule—
  - (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018;
  - (b) references to the relevant registration officer are to the registration officer of the constituent council in relation to whose area the returning officer exercises functions under this Order.”.
- (13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 41A.”.
- (14) In rule 61 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—

“(ba) the completed ballot paper refusal list.”.
- (15) In rule 62 (delivery and retention of documents), after paragraph (c) insert—

“(ca) the packet containing the completed ballot paper refusal list.”.
- (16) In rule 63 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—
  - (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition.”.
- (17) In Part 9 (appendix of forms)—
  - (a) in the list of forms, after the entry “Form 11: Official proxy postal poll card” insert “Form 11A: Ballot paper refusal list”;
  - (b) for Form 8 (official poll card) substitute the corresponding form in Part 1 of Schedule 13;
  - (c) for Form 10 (official proxy poll card) substitute the corresponding form in Part 1 of Schedule 13;
  - (d) after Form 11 (official proxy postal poll card) insert new Form 11A (ballot paper refusal list) as set out in Part 1 of Schedule 13;
  - (e) for Form 12 (directions for the guidance of voters) substitute the corresponding form in Part 1 of Schedule 13.

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### Commencement Information

**198** Reg. 94 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 2 (modifications of Acts and statutory instrument)

**95.** In Schedule 2 (modifications of Acts and statutory instrument), in paragraph 1 (Representation of the People Act 1983)—

- (a) in sub-paragraph (6), omit “and Wales” in both places it occurs;
- (b) in sub-paragraphs (7)(c) and (d)(i) and (8)(c)(i), after “section 36” insert “or section 36A”;
- (c) after sub-paragraph (14) insert—

“(14A) Section 59A (reports on voter identification requirements in Great Britain) has effect as if—

- (a) after subsection (5) there were inserted—

“(5A) Where this subsection applies, a report prepared in accordance with subsection (4) must also include the effect of the combined authority mayoral election corresponding requirements on applications made under the provisions of rules made under paragraph 12 of Schedule 5B to the 2009 Act corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.

(5B) Subsection (5A) applies in respect of a combined authority mayoral election where—

- (a) the day of poll for that combined authority mayoral election is the same day as the poll for the ordinary elections of councillors described in subsection (4),
- (b) the combined authority mayoral election relates to a local government area to which the duty in subsection (4) otherwise applies, and
- (c) the timing of that combined authority mayoral election is not determined in accordance with article 6 of the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 (filling of casual vacancies by by-elections)(**54**).

(5C) In subsection (5A), “combined authority mayoral election corresponding requirements” means the requirements corresponding to the voter identification requirements that have effect in relation to combined authority mayoral elections by virtue of rules made under paragraph 12 of Schedule 5B to the 2009 Act.”;

- (b) in subsection (6), after paragraph (b) there were inserted—

“(c) in the case of a report under subsection (4) to which subsection (5A) applies, information provided to the Secretary of State under any provision of rules made under paragraph 12 of Schedule 5B to the 2009 Act corresponding to rule 40B of the parliamentary elections rules.”;

- (d) in sub-paragraph (15), after paragraph (b) insert—

“(ba) in subsection (6ZB), for “(2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” there were substituted “(2A)(a) to (c), (2B), (3A)(a) to (c) and (3B)”.”.

#### Commencement Information

**199** Reg. 95 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 3 (combined authority mayoral election combination of polls rules)

**96.**—(1) Schedule 3 (combined authority mayoral election combination of polls rules) is amended as follows.

(2) In the list of contents—

- (a) in the appropriate place insert “41A Refusal to deliver ballot paper”;
- (b) in the appropriate place insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40”;
- (c) in the appropriate place insert “Form 11A: Ballot paper refusal list”.

(3) In rule 2 (interpretation), in paragraph (1)—

- (a) before the definition of “the Appendix” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022.”;
- (b) after the definition of “polling observer” insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022.”.

(4) In rule 25 (provision of polling stations) after paragraph (4) insert—

“(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 35(3) or rule 37(1E) (including that rule as applied by rules 38, 39 or 40), or
- (c) resolve doubts over identity as mentioned in rule 37(1F) (including that rule as applied by rule 38, 39 or 40).”.

(6) In rule 28 (equipment of polling stations)—

- (a) in paragraph (4) after sub-paragraph (d) insert—

“(e) a ballot paper refusal list, in the appropriate form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper).”;

(b) after paragraph (8) insert—

“(8A) A large notice must be displayed inside each polling station containing—

- (a) details of the documents the elector or proxy needs to produce when applying for a ballot paper, namely—

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- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
  - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
  - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.”
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) What is your name?
    - (zb) What is your address?”;
  - (b) after paragraph (2) insert—
    - “(2A) Where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (b) puts a question specified in paragraph (1) to the person, and
      - (c) decides that the person has failed to answer the question satisfactorily,
 the clerk must refer the matter to the presiding officer, who must put the question to the person again.”;
    - (c) for paragraph (3) substitute—
      - “(3) Where the presiding officer—
        - (a) gives a person the required information,
        - (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
        - (c) decides that the person has failed to answer the question satisfactorily,
 the officer must refuse to deliver a ballot paper to the person (and see rule 41A (procedure where ballot paper is refused under this paragraph)).
      - (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
        - (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of local government electors;
        - (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
      - (3B) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
    - (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;

- (e) after paragraph (4) insert—
- “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
  - (b) giving false information may be an offence.”.
- (8) In rule 37 (voting procedure)—
- (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—
    - “(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
    - (1B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
    - (1C) Paragraph (1D) applies in relation to a voter where—
      - (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.
    - (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place.
    - (1E) The presiding officer must refuse to deliver a ballot paper to a voter where—
      - (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
    - (1F) Paragraph (1E)(a) does not apply where—
      - (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
      - (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
    - (1G) The refusal to deliver a ballot paper to a voter under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.
    - (1H) In this rule, a “forged document” means a false document made to resemble a specified document.

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(1I) In this rule, a “specified document”—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
  - (i) was issued by the registration officer for the constituent council in whose area the polling station to which the voter is allotted is situated,
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.

(1M) References in this rule to producing a document are to producing it for inspection.”;

- (c) in paragraph (2), omit the words from “and only” to the end;
- (d) omit paragraph (3)(a).

(9) In rule 38 (votes marked by presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
- (b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(10) In rule 39 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and

(b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(11) In rule 40 (tendered ballot papers—circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if, in rule 37(1G) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(12) After rule 41 (tendered ballot papers—general provisions) insert—

**“Refusal to deliver ballot paper**

**41A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and
- (b) the voter makes a further application as permitted by rule 37(1G).

(4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(8) Subject to rule 37(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.

(9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.

(10) In this rule—

*Status: Point in time view as at 13/01/2023. This version of this Instrument contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the The Voter Identification Regulations 2022. (See end of Document for details)*

- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and
- (b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

#### **Collection and disclosure of information relating to applications made under rules 37 to 40**

**41B.**—(1) This rule applies in relation to an election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

(2) The presiding officer must—

- (a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and
- (b) provide that information to the returning officer as soon as practicable after the close of the poll.

(3) The returning officer must forward the information to the relevant registration officer.

(4) As soon as reasonably practicable after receiving the information the relevant registration officer must—

- (a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and
- (b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

- (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and
- (b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—

- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
- (b) any other restriction on the disclosure of information (however imposed).



- (10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (11) In this rule—
- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018;
  - (b) references to the relevant registration officer are to the registration officer of the constituent council in relation to whose area the returning officer exercises functions under this Order.”.
- (13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 41A,”.
- (14) In rule 61 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—
- “(ba) the completed ballot paper refusal list,”.
- (15) In rule 62 (delivery and retention of documents), after paragraph (c) insert—
- “(ca) the packet containing the completed ballot paper refusal list,”.
- (16) In rule 63 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition.”.
- (17) In Part 9 (appendix of forms)—
- (a) in the list of forms, after the entry “Form 11: Official proxy postal poll card” insert “Form 11A: Ballot paper refusal list”;
  - (b) for Form 8 (official poll card) substitute the corresponding form in Part 2 of Schedule 13;
  - (c) for Form 10 (official proxy poll card) substitute the corresponding form in Part 2 of Schedule 13;
  - (d) after Form 11 (official proxy postal poll card) insert new Form 11A (ballot paper refusal list) as set out in Part 2 of Schedule 13;
  - (e) for Form 12 (directions for the guidance of voters) substitute the corresponding form in Part 2 of Schedule 13.

#### **Commencement Information**

**I100** Reg. 96 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of the Police and Crime Commissioner Elections (Welsh Forms) Order 2021**

**97.—(1)** The Police and Crime Commissioner Elections (Welsh Forms) Order 2021(**55**) is amended as follows.

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(2) In article 5 (Welsh and English versions of forms), in Table 3, after the entry for Form 14 (official postal proxy poll card) insert—

“Form 14A (ballot paper refusal list)	Referred to in rule 29(4A) of, and set out in Part 8 of, the PCC elections rules”.
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(3) In Schedule 1 (Welsh versions of forms of words), for Part 2 substitute the new Part 2 as set out in Part 1 of Schedule 14.

(4) In Schedule 3 (Welsh and English versions of prescribed forms)—

- (a) for Form 1 (proxy paper at particular PCC election), substitute the corresponding form in Part 2 of Schedule 14;
- (b) for Form 11 (poll card) substitute the corresponding form in Part 2 of Schedule 14;
- (c) for Form 13 (proxy poll card) substitute the corresponding form in Part 2 of Schedule 14;
- (d) after Form 14 (proxy postal poll card) insert new Form 14A (ballot paper refusal list) as set out in Part 2 of Schedule 14;
- (e) for Form 16 (Notice for guidance of voters for exhibition inside and outside polling station) substitute the corresponding form in Part 2 of Schedule 14.

#### Commencement Information

**I101** Reg. 97 in force at 16.1.2023, see [reg. 1\(3\)](#)

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

*Scott of Bybrook*  
 Parliamentary Under Secretary of State  
 Department for Levelling Up, Housing and  
 Communities

22nd December 2022

**Status:**

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**Changes to legislation:**

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