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## STATUTORY INSTRUMENTS

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# 2022 No. 1382

## The Voter Identification Regulations 2022

### PART 3

#### Determination of applications

##### **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.

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##### **Commencement Information**

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

##### **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.
- (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(1), or will be so entitled on attaining the age of 18.

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**Commencement Information**

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

**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—

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(1) Section 52(1A) was inserted by section 8(8) of the Wales Act 2017 (c. 4).

- (a) the reason for that refusal,
- (b) the right of appeal under section 56(1)(ac) of the 1983 Act<sup>(2)</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 notification containing the same information to the relevant delivery address (which has the same meaning as in regulation 4(7)).

#### Commencement Information

**I3** Reg. 12 in force at 16.1.2023, see [reg. 1\(3\)](#)

### 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

**I4** Reg. 13 in force at 16.1.2023, see [reg. 1\(3\)](#)

(2) 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.

### **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—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application [<sup>F1</sup>transmitted to the registration officer by the Secretary of State], 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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**Textual Amendments**

- F1** Words in [reg. 14\(2\)\(a\)](#) inserted (31.10.2023) by [The Representation of the People \(Postal and Proxy Voting etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1147\)](#), regs. 1(2), **22(5)**
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**Commencement Information**

- I5** Reg. 14(1)-(5)(7) in force at 16.1.2023, see [reg. 1\(3\)](#)
- I6** Reg. 14(6) in force at 13.1.2023, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Voter Identification Regulations 2022, PART 3.