
STATUTORY INSTRUMENTS

2023 No. 1116

**The Representation of the People and Recall Petition
(Northern Ireland) (Amendment) Regulations 2023**

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People and Recall Petition (Northern Ireland) (Amendment) Regulations 2023.

(2) These Regulations come into force on 31st October 2023.

(3) In these Regulations—

(a) Part 1 extends to England and Wales, Scotland and Northern Ireland;

(b) Part 2 extends to Northern Ireland only;

(c) in Part 3—

(i) regulations [12](#), [13](#), [14\(2\)](#) and [\(6\)](#), [15](#), [16](#), [17](#), [19](#), [20](#) and [22](#) extend to England and Wales, Scotland and Northern Ireland;

(ii) regulations [14\(1\)](#) and [\(3\)](#) to [\(5\)](#), [18](#) and [21](#) extend to Northern Ireland only;

(d) Part 4 extends to Northern Ireland only.

PART 2

Amendments relating to Parliamentary elections

Introductory

2. The Representation of the People (Northern Ireland) Regulations 2008⁽¹⁾ are amended as set out in regulations [3](#) to [10](#).

Applications for electoral identity card: notification and appeal

3. After regulation [13](#) (applications for an electoral identity card) insert—

“Notification of determination of application for electoral identity card

13A.—(1) Where the Chief Electoral Officer for Northern Ireland determines an application for an electoral identity card, they must notify the applicant of that determination, together with any other information required by this regulation.

(1) [S.I. 2008/1741](#).

(2) Where the Chief Electoral Officer refuses the application, they must also notify the applicant of—

- (a) the reason for the refusal,
- (b) the right of appeal under section 58(1)(bb) of the 1983 Act⁽²⁾, and
- (c) the time in which any notice of appeal under that section must be given (in accordance with regulation 13B(1)).

(3) Where the Chief Electoral Officer notifies the applicant other than by written notification, they must, as soon as reasonably practicable after that notification send a written notification containing the same information to the applicant’s address, as specified in the application.

Appeal following determination

13B.—(1) A person who wishes to appeal under section 58(1)(bb) of the 1983 Act against a determination of the Chief Electoral Officer for Northern Ireland to refuse an application for an electoral identity card must give notice of the appeal to the Chief Electoral Officer before the end of the period of 14 days beginning with the day on which the notification under regulation 13A is given, specifying the grounds of the appeal.

(2) Where regulation 13A(3) applies in respect of the refusal, the reference to notification in paragraph (1) is to be read as the first notification under regulation 13A to that person.

(3) The Chief Electoral Officer must forward any such notice of appeal to the appropriate county court in the manner directed by rules of court together with a statement setting out—

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

(4) The Chief Electoral Officer must also give to the county court any other information which the court may require and which the Chief Electoral Officer is able to give.

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

Retention of entries on the register following a canvass

4. In regulation 46B (retention of entries on the register following a canvass)⁽³⁾, in paragraph (6), for the definition of “relevant period”⁽⁴⁾ (but not the “and” following it) substitute—

““relevant period”—

- (a) in relation to the canvass mentioned in paragraph (2) that was conducted in the year 2021, means the period beginning with the conclusion of the canvass and expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act in the third calendar year following that in which the canvass was conducted;
- (b) in relation to any subsequent canvass mentioned in paragraph (2), means the period beginning with the conclusion of the canvass and expiring with the publication of

(2) Section 58(1)(bb) was inserted by paragraph 6 of Schedule 1 to the Elections Act 2022 (c. 37).

(3) Regulation 46B was inserted by S.I. 2013/1846.

(4) The definition of “relevant period” was amended by S.I. 2020/581.

a revised version of the register under section 13(1) of the 1983 Act in the second calendar year following that in which the canvass was conducted.”.

Removal of redundant references to the Police Information Technology Organisation

5.—(1) In regulation 53C (supply of the record of anonymous entries to police forces and other organisations)(5), in paragraph (1), omit sub-paragraph (e) (but not the “and” following it).

(2) In regulation 107 (supply of full register etc to police forces and restrictions on use), in paragraph (1), omit sub-paragraph (d) (but not the “and” following it).

Applications for the appointment of a proxy

6. In regulation 56(1) (additional requirements for applications for the appointment of a proxy)(6)—

(a) after “name” insert “, date of birth”;

(b) omit “together with his family relationship, if any, with the applicant.”.

Applications for postal vote where ballot papers are to be sent to a different address

7. In regulation 55A (additional requirement for applications for ballot papers to be sent to a different address to that in register)(7), in paragraph (1)(c), after “9(4)” insert “or (7)”.

8. In regulation 62 (grant or refusal of applications)(8), at the end insert—

“(6) Paragraphs (7) and (8) apply in the following situations—

(a) where a person makes an application to vote by post under section 6(1) of the 1985 Act (application for postal vote for indefinite period)(9) and the addresses provided in accordance with section 6(6) of that Act (address to which ballot paper should be sent) and regulation 55(2)(b) (address in the register) are different;

(b) where a person makes an application to vote by post under section 7(1) of the 1985 Act (application for postal vote for a particular election)(10) and the addresses provided in accordance with section 7(5) of that Act (address to which ballot paper should be sent) and regulation 55(2)(b) (address in the register) are different;

(c) where a person who is a proxy makes an application to vote by post under section 9(4) or (7) of the 1985 Act (application by proxy for postal vote for indefinite period or for a particular election)(11) and the addresses provided for the proxy in accordance with section 9(12) of that Act (address to which ballot paper should be sent) and regulation 55(2)(c) (proxy’s address as provided in proxy application) are different;

(5) Regulation 53C was inserted by [S.I. 2014/1808](#).

(6) Regulation 56 was amended by [S.I. 2014/1808](#).

(7) Regulation 55A was inserted by [S.I. 2010/278](#).

(8) Regulation 62 was amended by [S.I. 2018/699](#) and [S.I. 2018/1310](#).

(9) Section 6 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), by paragraph 134 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by [S.I. 2005/3129](#), by [S.I. 2018/699](#), by [S.I. 2014/1116](#), by [S.I. 2008/699](#) and by [S.I. 2020/581](#).

(10) Section 7 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), by [S.I. 2005/3129](#), by [S.I. 2018/699](#), by [S.I. 2014/1116](#), by [S.I. 2008/699](#) and by [S.I. 2020/581](#).

(11) Section 9 was amended by paragraph 17 of Schedule 6 to the Representation of the People Act 2000 (c. 2), by section 38(5) of the Electoral Administration Act 2006 (c. 22) and [S.I. 2014/1116](#).

- (d) where a person makes an application under section 7(2)(a)(12) of the 1985 Act (application by person registered as postal voter for indefinite period to have ballot papers sent to a different address for a particular election);
 - (e) where a person makes an application under section 9(8)(13) of the 1985 Act (application by proxy registered as postal voter for indefinite period for ballot papers to be sent to a different address for a particular election).
- (7) Where the registration officer grants the application, the notification under paragraph (1) must include a statement that the ballot paper will be sent to the address specified in the application as the address to which the ballot paper should be sent.
- (8) A notification about the application under paragraph (1), (4) or (5) must be delivered to the applicant's normal address, except where paragraph (9) applies.
- (9) This paragraph applies where the applicant is—
- (a) an applicant registered in pursuance of a service declaration,
 - (b) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act(14)),
 - (c) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act(15)), or
 - (d) an applicant who has an anonymous entry.
- (10) In paragraph (8), “the applicant's normal address” means—
- (a) in the situation mentioned in paragraph (6)(a) or (b), the address provided under regulation 55(2)(b) (address in the register);
 - (b) in the situation mentioned in paragraph (6)(c), the address provided under regulation 55(2)(c) (proxy's address as provided in proxy application);
 - (c) in the situation mentioned in paragraph (6)(d), the address recorded under section 6(3)(b) of the 1985 Act (address provided in application for postal vote as address to which ballot papers should be sent);
 - (d) in the situation mentioned in paragraph (6)(e), the address recorded under section 9(6)(b) of the 1985 Act (address provided in application for postal vote by proxy as address to which ballot papers should be sent).”.

Supply of date of birth lists to police and pursuant to a court order

9. After Part 6 insert—

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- (12) Subsection (2) was substituted by paragraph 15 of Schedule 6 to the Representation of the People Act 2000 (c. 2).
 - (13) Subsection (8) was amended by paragraph 17 of Schedule 6 to the Representation of the People Act 2000 (c. 2).
 - (14) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2), and was amended by section 14(1)(a)(ii) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) and by S.I. 2007/1388. It is prospectively amended by paragraph 1(3) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed. Other amendments have been made to section 7B that are not relevant to these Regulations.
 - (15) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

“PART 6A

Supply of date of birth lists to police and pursuant to a court order

Interpretation of Part 6A

114A.—(1) In this Part, “date of birth list” means a list prepared under rule 19B(1) of the elections rules (lists of electors’ and proxies’ dates of birth)(**16**) and includes any part of such a list.

(2) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act, any duty on the Chief Electoral Officer for Northern Ireland to supply a date of birth list imposes only a duty to provide the list in the form in which the Chief Electoral Officer holds it.

Supply of date of birth lists to police forces and restrictions on use

114B.—(1) The Chief Electoral Officer for Northern Ireland must, on receipt of a written request from a police force for a date of birth list—

- (a) if the request was for a copy of a date of birth list in printed form, provide the police force with a printed copy of the list specified in the request;
- (b) if the request was for a date of birth list in data form, provide the police force with the data form of the list specified in the request.

(2) No person serving whether as a constable, officer or employee in a police force may—

- (a) supply a date of birth list, or a copy of such a list, to any person,
- (b) disclose any information contained in a date of birth list, or
- (c) make use of any such information,

otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere)(**17**).

(3) The restrictions in paragraph (2) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the persons referred to in that paragraph.

(4) In this regulation—

- (a) “police force” means—
 - (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
 - (ii) a police force in Great Britain,
 - (iii) the National Crime Agency, or
 - (iv) any body of constables established under an Act of Parliament;
- (b) the reference to an employee in a police force includes—
 - (i) any person working or providing services for the police force, and
 - (ii) any person employed by or on behalf of, or working for, a person referred to in sub-paragraph (i).

(16) Rule 19B was inserted by paragraph 11 of Schedule 1 to the Elections Act 2022 (c. 37).

(17) A breach of this paragraph (including as applied by paragraph (3)) is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

Court orders for production of date of birth lists

114C.—(1) The High Court, a county court or an election court may make an order for the inspection or production of a date of birth list, if satisfied by evidence on oath that the order is required for the purposes of—

- (a) instituting or maintaining a prosecution in relation to an election, or
- (b) an election petition.

(2) An order under paragraph (1) may be made subject to conditions, including conditions relating to—

- (a) the persons who may inspect the list or to whom the list may be produced,
- (b) the time of inspection or production, and
- (c) the place and mode of inspection or production.

(3) An appeal lies to the High Court from any order of a county court under paragraph (1).

(4) A power to make an order under paragraph (1)—

- (a) in the case of a power of the High Court, may be exercised by any judge of the court otherwise than in open court, and
- (b) in the case of a power of a county court, may be exercised in such manner as may be provided by rules of court.

(5) Where an order is made for the production of a date of birth list relating to a specified election, the production of the list in the manner directed by the order is to be conclusive evidence that the list relates to the specified election.

(6) A third party who has inspected a date of birth list or to whom a date of birth list has been produced pursuant to an order under paragraph (1) may not—

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

otherwise than for the purposes of the proceedings in relation to which the order was made⁽¹⁸⁾.

(7) The restrictions in paragraph (6) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the third party to whom the list was first supplied.

(8) In this regulation, “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate functions.”.

Forms used in Parliamentary elections

10.—(1) Schedule 3 (Forms) is amended as follows.

(2) Replace Form A (elector’s official poll card)⁽¹⁹⁾ with the form in Schedule 2.

(3) Replace Form B (proxy’s official poll card)⁽²⁰⁾ with the form in Schedule 3.

(4) Replace Form E (proxy paper)⁽²¹⁾ with the form in Schedule 4.

⁽¹⁸⁾ A breach of this paragraph (including as applied by paragraph (7)), is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

⁽¹⁹⁾ Form A was replaced by S.I. 2015/221.

⁽²⁰⁾ Form B was replaced by S.I. 2015/221.

⁽²¹⁾ Form E was replaced by S.I. 2015/221.

Transitional provision relating to proxy paper form

11.—(1) This regulation applies where a proxy appointment is made during the period—

- (a) beginning with 31st October 2023, and
- (b) ending with 5th March 2024.

(2) Form E (proxy paper), as inserted into Schedule 3 to the Representation of the People (Northern Ireland) Regulations 2008⁽²²⁾ by regulation 10⁽⁴⁾ applies as if, on the last page, in paragraph 2, at the beginning there were inserted “In relation to an election for which the date of the poll is on or after 5th March 2024.”

(3) In this regulation, “proxy appointment” has the same meaning as in paragraph 9(6) of Schedule 4 to the Elections Act 2022⁽²³⁾.

PART 3

Amendments relating to recall petitions

Introductory

12. The Recall of MPs Act 2015 (Recall Petition) Regulations 2016⁽²⁴⁾ are amended as set out in regulations 13 to 22.

Extent of certain amendments previously made to the Recall of MPs Act 2015 (Recall Petition) Regulations 2016

13. The amendments made to the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 by regulations 70 to 75, 77, 78 and 80 to 82 of the Voter Identification Regulations 2022⁽²⁵⁾ extend to Northern Ireland (as well as to England and Wales and Scotland).

Date of birth lists

14.—(1) After regulation 13 insert—

“Date of birth lists in Northern Ireland

13A.—(1) The Chief Electoral Officer for Northern Ireland must prepare the following lists—

- (a) a list setting out, in relation to each elector, the elector’s date of birth as supplied pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act⁽²⁶⁾;
- (b) a list setting out, in relation to each person appointed to vote as a proxy for an elector, the person’s date of birth as supplied pursuant to a relevant provision.

(2) For the purposes of paragraph (1)(b), “relevant provision” means—

⁽²²⁾ S.I. 2008/1741.

⁽²³⁾ 2022 c. 37.

⁽²⁴⁾ S.I. 2016/295.

⁽²⁵⁾ S.I. 2022/1382; for extent of the regulations mentioned see regulation 2(3).

⁽²⁶⁾ Section 10(4A) was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1A) of section 10A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002; section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000, and subsection (2A) of section 13A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

- (a) where the person is or will be registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act (information provided by the canvass or on an application for registration), and
 - (b) where the person is or will be registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), regulation 63(1A) (date of birth of proxy to be included in proxy application)(27).
- (3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the petition clerk or assistant to make a decision under regulation 28(4)(a)(ii) (decision whether specified document raises doubt as to elector’s apparent age).
- (4) A person to whom paragraph (5) applies must not, otherwise than in accordance with these Regulations—
- (a) permit a list prepared under paragraph (1) to be inspected;
 - (b) supply to any person a copy of a list prepared under paragraph (1) or information contained in such a list;
 - (c) make use of information contained in a list prepared under paragraph (1).
- (5) This paragraph applies to—
- (a) the Chief Electoral Officer for Northern Ireland;
 - (b) a person to whom functions are delegated by the Chief Electoral Officer;
 - (c) the petition clerk;
 - (d) an assistant to the petition clerk or any other officer appointed to work at the petition signing place.

Supply of date of birth lists to police forces and restrictions on use

- 13B.**—(1) The Chief Electoral Officer for Northern Ireland must, on receipt of a written request from a police force for a date of birth list prepared under regulation 13A(1)—
- (a) if the request was for a copy of a date of birth list in printed form, provide the police force with a printed copy of the list specified in the request;
 - (b) if the request was for a date of birth list in data form, provide the police force with the data form of the list specified in the request.
- (2) No person serving whether as a constable, officer or employee in a police force may—
- (a) supply a date of birth list, or a copy of such a list, to any person,
 - (b) disclose any information contained in a date of birth list, or
 - (c) make use of any such information,
- otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere).
- (3) The restrictions in paragraph (2) apply to a person—
- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
 - (b) to whom information in such a list has been disclosed under that paragraph,
- as they apply to the persons referred to in that paragraph.
- (4) In this regulation—
- (a) “police force” means—

(27) Paragraph (1A) was inserted into regulation 63 by regulation 19(10)(b) of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

- (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
 - (ii) a police force in Great Britain,
 - (iii) the National Crime Agency, or
 - (iv) any body of constables established under an Act of Parliament;
- (b) the reference to an employee in a police force includes—
- (i) any person working or providing services for the police force, and
 - (ii) any person employed by or on behalf of, or working for, a person referred to in sub-paragraph (i).
- (5) The duty on the Chief Electoral Officer for Northern Ireland to supply a date of birth list under this regulation imposes only a duty to provide the list in the form in which the Chief Electoral Officer holds it.
- (6) See also regulation 124A (offence of disclosure of date of birth list in breach of restrictions imposed under this regulation).”.
- (2) In regulation 19 (equipment at petition signing place), in paragraph (3), at the end insert—
- “(e) in the case of a petition signing place in Northern Ireland, the lists prepared under regulation 13A (date of birth lists).”.
- (3) After regulation 45 insert—

“Court orders for production of date of birth lists: Northern Ireland

- 45A.**—(1) The High Court, a county court or a petition court may make an order for the inspection or production of a date of birth list prepared under regulation 13A(1), if satisfied by evidence on oath that the order is required for the purposes of—
- (a) instituting or maintaining a prosecution for an offence in relation to a petition, or
 - (b) a recall petition complaint.
- (2) An order under paragraph (1) may be made subject to conditions, including conditions relating to—
- (a) the persons who may inspect the list or to whom the list may be produced,
 - (b) the time of inspection or production, and
 - (c) the place and mode of inspection or production.
- (3) An appeal lies to the High Court from any order of a county court under paragraph (1).
- (4) A power to make an order under paragraph (1)—
- (a) in the case of a power of the High Court, may be exercised by any judge of the court otherwise than in open court, and
 - (b) in the case of a power of a county court, may be exercised in such manner as may be provided by rules of court.
- (5) Where an order is made for the production of a date of birth list relating to a specified petition, the production of the list in the manner directed by the order is to be conclusive evidence that the list relates to the specified petition.
- (6) A third party who has inspected a date of birth list or to whom a date of birth list has been produced pursuant to an order under paragraph (1) may not—
- (a) supply the list, or a copy of it, to any person,
 - (b) disclose any information contained in it, or

(c) make use of any such information, otherwise than for the purposes of the proceedings in relation to which the order was made.

(7) The restrictions in paragraph (6) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the third party to whom the list was first supplied.

(8) In this regulation, “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate functions.

(9) See also regulation 124A (offence of disclosure of date of birth list in breach of restrictions imposed under this regulation).”.

(4) After regulation 46 insert—

“Destruction of date of birth lists: Northern Ireland

46A. The Chief Electoral Officer for Northern Ireland must destroy the lists provided under regulation 19(3)(e)—

- (a) on the next working day following the 21st day after the day on which the public notice of the outcome of the recall petition is given under section 14(2)(c) of the Act, or
- (b) if a recall petition complaint is presented before that day, on the next working day following the conclusion of proceedings on the complaint or on appeal from such a complaint.”.

(5) After regulation 124 insert—

“Disclosure of date of birth lists: Northern Ireland

124A.—(1) A person is guilty of an offence—

- (a) if they fail to comply with any of the restrictions imposed under regulation 13B (supply of date of birth lists to police forces and restrictions on use) or regulation 45A (court orders for production of date of birth lists), or
- (b) if they are an appropriate supervisor of a person (P) who fails to comply with any of those restrictions and they failed to take appropriate steps.

(2) P is not guilty of an offence under paragraph (1) if—

- (a) P has an appropriate supervisor, and
- (b) P has complied with all the requirements imposed on P by the appropriate supervisor.

(3) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if they take all reasonable steps to ensure that they comply with the restrictions.

(4) For the purposes of this regulation—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the restrictions.

(5) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

- (6) In regulation 2 (application)(28), in paragraph (5)—
- (a) before sub-paragraph (a) insert—
“(za) regulations 13A and 13B (date of birth lists in Northern Ireland);”;
 - (b) after sub-paragraph (b) insert—
“(ba) regulation 45A (court orders for production of date of birth lists);
(bb) regulation 46A (destruction of date of birth lists);”;
 - (c) after sub-paragraph (m) insert—
“(n) regulation 124A (offence of disclosure of date of birth lists).”.

Petition assistants: restriction on resolving doubts as to identity

15. In regulation 17 (appointment of petition assistants), in paragraph (3)(c)(29), for “(including that paragraph” substitute “or paragraph (6A) of regulation 28 (including those paragraphs”.

Private areas for inspection of identity documents

- 16.—(1) In regulation 20A (provision of private area for production of proof of identity)(30)—
- (a) omit “in England, Wales and Scotland”;
 - (b) in the heading, omit “: England and Wales and Scotland”.
- (2) In regulation 2 (application)(31), in paragraph (2), omit sub-paragraph (za).

Questions to be put to persons signing the petition

17.—(1) Regulation 25 (questions to be put to persons signing the petition)(32) is amended as follows.

- (2) Omit paragraph (4).
- (3) In paragraph (4A)(33)—
 - (a) in the words before sub-paragraph (a), omit “at a petition held in England, Wales or Scotland”;
 - (b) in sub-paragraph (b), after “not” insert “, in the case of a petition held in England, Wales or Scotland,”.

Signing procedure

- 18.—(1) Regulation 28 (signing procedure: Northern Ireland) is amended as follows.
- (2) In paragraph (1), for “and (5)” substitute “to (7C)”.
 - (3) After paragraph (3) insert—

(28) Regulation 2 was amended by [S.I. 2022/1382](#) and by the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

(29) Sub-paragraph (c) was inserted, in relation to England, Wales and Scotland, by regulation 71 of [S.I. 2022/1382](#) and is extended to Northern Ireland by regulation 13.

(30) Regulation 20A was inserted, in relation to England, Wales and Scotland, by regulation 74 of [S.I. 2022/1382](#) and is extended to Northern Ireland by regulation 13.

(31) Regulation 2 was amended by [S.I. 2022/1382](#) and by S.I. the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

(32) Regulation 25 was amended, in relation to England, Wales and Scotland, by regulation 75 of [S.I. 2022/1382](#) and those amendments are extended to Northern Ireland by regulation 13.

(33) Paragraph (4A) was inserted, in relation to England, Wales and Scotland, by regulation 75 of [S.I. 2022/1382](#), and is extended to Northern Ireland by regulation 13.

“(3A) 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.”.

(4) In paragraph (4), for the words from “the clerk” to the end substitute—

“—

(a) the clerk or assistant decides that—

(i) the document, or

(ii) the apparent age of that person as compared with the age according to the date supplied as the date of the person’s birth pursuant to a relevant provision (see paragraph (6C)),

raises a reasonable doubt as to whether the person is the elector or proxy that the person claims to be; or

(b) the clerk or assistant reasonably suspects that the document is a forged document (see paragraph (7A)).”.

(5) In paragraph (5)—

(a) after “decides” insert “or reasonably suspects (as the case may be)”;

(b) after “person” insert “(subject to paragraph (6A))”.

(6) In paragraph (6), after “decides” insert “or reasonably suspects (as the case may be)”.

(7) After paragraph (6) insert—

“(6A) There is an exception from paragraph (5) for cases within sub-paragraph (a) of paragraph (4) where—

(a) a discrepancy between the name of a 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.

(6B) The refusal to deliver a signing sheet to a person under paragraph (5) does not prevent the person making a further application under paragraph (1), and paragraphs (3) to (6A) apply on any further application.

(6C) For the purposes of paragraph (4)(a)(ii), “relevant provision” means—

(a) where the person is registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act (information provided by the canvass or on an application for registration)(**34**), and

(b) where the person is registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), regulation 63(1A) (date of birth of proxy to be included in proxy application)(**35**).”.

(34) Section 10(4A) was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1A) of section 10A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002; section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000, and subsection (2A) of section 13A was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

(35) Paragraph (1A) was inserted into regulation 63 by regulation 19(10)(b) of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

(8) In paragraph (7), for “one” substitute “a document (in whatever form issued to the holder and regardless of expiry date)”.

(9) After paragraph (7) insert—

“(7A) In this regulation, a “forged document” means a false document made to resemble a specified document.

(7B) 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.

(7C) References in this regulation to producing a document are to producing it for inspection.”.

Signing sheets endorsed by petition clerk

19.—(1) Regulation 29 (signing sheets endorsed by petition clerk)(**36**) is amended as follows.

(2) For paragraph (1) substitute—

“(1) A person who wishes to sign the petition but is unable to sign the signing sheet on the ground of—

- (a) blindness or other disability, or
- (b) inability to read,

may apply to the petition clerk for the clerk to endorse the person’s signing sheet as mentioned in paragraph (1A).

(1A) If, following an application under paragraph (1), the petition clerk is satisfied that the person is unable to sign the signing sheet, the petition clerk may endorse that person’s signing sheet to indicate that the person was unable to sign the signing sheet as a result of their disability or inability to read but wishes to sign the petition and for their signing sheet to be included in the final count.”.

(3) In paragraph (2), for “(1)” substitute “(1A)”.

(4) In paragraph (3)—

- (a) for “(7)” substitute “(7C)”;
- (b) for the words from “reading” to the end substitute—

“as if—

- (a) references to delivering a signing sheet to a person were references to endorsing a signing sheet, and
- (b) in regulation 28(6B), the reference to paragraph (1) were a reference to paragraph (1) of this regulation.”.

Tendered signing sheets

20. In regulation 30 (tendered signing sheets)(**37**), in paragraph (8)—

- (a) for “(7)” substitute “(7C)”;
- (b) at the end insert “, but as if in regulation 28(6B) the reference to making a further application under regulation 28(1) were to seeking a further time to mark a tendered ballot

(36) Regulation 29 was amended, in relation to England, Wales and Scotland, by regulation 77 of [S.I. 2022/1382](#), and those amendments are extended to Northern Ireland by regulation [13](#).

(37) Regulation 30 was amended, in relation to England, Wales and Scotland, by regulation 78 of [S.I. 2022/1382](#), and those amendments are extended to Northern Ireland by regulation [13](#).

paper under the paragraph of this regulation under which a previous such attempt was made”.

Refusal to deliver signing sheet

21. In regulation 31 (refusal to deliver signing sheet: Northern Ireland), in paragraph (2), after “that” insert “and to regulation 28(6B)”.

Procedure on close of petition

22. In regulation 37 (procedure on close of petition), in paragraph (1), after sub-paragraph (ea)(38) insert—

“(eb) in the case of a petition held in Northern Ireland, the lists provided under regulation 19(3)(e);”.

PART 4

Amendments relating to Assembly elections

Supply of date of birth lists used in Assembly elections

23. In the Northern Ireland Assembly (Elections) Order 2001(39), in the table in Schedule 2 (application and modification of the 2008 Regulations etc)(40), after the entry for regulation 91 insert—

“Regulation 114A (interpretation of Part 6A)	In paragraph (3), omit the words from the beginning to “Act.”.
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Regulation 114B (supply of date of birth lists to police forces and restrictions on use)

Regulation 114C (court orders for production of date of birth lists)”.

18th October 2023

Steve Baker
Minister of State
Northern Ireland Office

(38) Sub-paragraph (ea) was inserted, in relation to England, Wales and Scotland by regulation 81 of S.I. 2022/1382, and is extended to Northern Ireland by regulation 13.

(39) S.I. 2001/2599.

(40) Schedule 2 was substituted by S.I. 2009/256.