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STATUTORY INSTRUMENTS

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**2023 No. 1116**

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

**PART 3**

**Amendments relating to recall petitions**

**Introductory**

**12.** The Recall of MPs Act 2015 (Recall Petition) Regulations 2016<sup>(1)</sup> 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<sup>(2)</sup> 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<sup>(3)</sup>;
  - (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—
- (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

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(1) [S.I. 2016/295](#).

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

(3) 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.

(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)(4).

(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—
  - (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
  - (ii) a police force in Great Britain,

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(4) 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.

- (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)(5), in paragraph (5)—

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

- (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)(6), 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)(7)—
- (a) omit “in England, Wales and Scotland”;
  - (b) in the heading, omit “: England and Wales and Scotland”.
- (2) In regulation 2 (application)(8), 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)(9) is amended as follows.

- (2) Omit paragraph (4).
- (3) In paragraph (4A)(10)—
  - (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—  
“(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

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(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

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)(**11**), 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)(**12**).”.

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

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(11) 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.

(12) 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.

(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)(**13**) 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)(**14**), 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 paper under the paragraph of this regulation under which a previous such attempt was made”.

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(13) 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.

(14) 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.

### **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)(15) insert—

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

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(15) 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.