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## STATUTORY INSTRUMENTS

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# 2023 No. 1147

## The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023

### PART 1 **U.K.**

#### Introduction

#### Citation, commencement, extent, transitional provisions and savings **U.K.**

- 1.—(1) These Regulations may be cited as the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.
- (2) Subject to paragraph (3), these Regulations come into force on 31st October 2023.
- (3) The following provisions come into force on 31st January 2024—
- (a) regulations [6\(b\)](#), [11\(b\)](#), [12](#), [13](#) and [14\(3\)](#), (5), (7) and (9);
  - (b) regulation [15](#), except for paragraph (5)(a)(i), (b) and (c);
  - (c) regulation [16](#), except for paragraph (5)(a)(i), (b) and (c);
  - (d) regulation [17\(3\)\(b\)](#), (5)(a) to (c) except paragraph (5)(b)(i)(bb), and (6) to (8);
  - (e) regulation [18](#), except for paragraph (5)(a)(i), (b) and (c);
  - (f) in regulation [19](#), paragraphs (4), (7)(b), (16)(b) and, except so far as it substitutes Form J in Parts 1 and 3 of Schedule 2 to the 2016 Regulations, paragraph (18);
  - (g) regulation [20](#);
  - (h) regulation [21](#), except so far as it substitutes Form 1 in Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021(1);
  - (i) in Schedule 2, paragraphs 4(1), 6, 8(1), 9(1), 11(1), 12, 13(1), 15(1), 16, 17(1), 19(2), 20, 21(1), 23(1), 28(1), 29, 30(1), 32(1), 34(2), 37(1), 41(1) and 42(1).
- (4) This Part extends to England and Wales, Scotland and Northern Ireland.
- (5) In Parts 2 to 4—
- (a) the amendments made by regulation [19\(13\)](#) and (15) extend to England and Wales and Scotland;
  - (b) otherwise, any amendment made has the same extent as the provision amended.
- (6) Schedule 2 (transitional provisions and savings) has effect.

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#### Commencement Information

**II** Reg. 1 in force at 31.10.2023, see [reg. 1\(2\)](#)

## PART 2 **U.K.**

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

#### Introduction to Part 2 **U.K.**

2. The Representation of the People (England and Wales) Regulations 2001(2) are amended in accordance with this Part.

#### Commencement Information

**I2** Reg. 2 in force at 31.10.2023, see [reg. 1\(2\)](#)

#### Amendment of Part 1 (general, interpretation and miscellaneous) **U.K.**

3.—(1) Part 1 (general, interpretation and miscellaneous) is amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “digital service” substitute—

““digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the Secretary of State for Levelling Up, Housing and Communities for (amongst other purposes) the purpose of—

- (a) processing online applications under sections 10ZC and 10ZD of the 1983 Act(3) and online relevant absent voting applications,
- (b) verifying information under regulations 29ZA and 56B, and
- (c) data matching under regulation 32ZBB in respect of the annual canvass for a register of parliamentary electors or local government electors in England or Wales;”;

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

““relevant absent voting application” has the meaning given in paragraph 1A(7)(a)(i) of Schedule 2 to the 1983 Act(4);”;

(b) after paragraph (3A) insert—

“(3B) A document provided in accordance with regulation 51(9) or 56C may be transmitted by an applicant to a registration officer by electronic means.”.

(3) In regulation 5 (communication of applications, notices etc.)—

(a) in paragraph (1), after “notice” insert “, relevant attestation”;

(b) after paragraph (2), insert—

“(3) In paragraph (1), “relevant attestation” means an attestation under regulation 56C(6).”.

(2) S.I. 2001/341; relevant amending instruments are S.I. 2001/1700, 2005/2114, 2006/752, 2910, 2009/725, 2013/3198, 2015/467, 1971, 2016/211, 694, 2018/312, 644, 1310, 2019/1451, 2020/50, 2021/391, 1265, 2022/1382, 2023/149.

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

(4) Paragraph 1A was inserted by paragraph 2 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6) and was amended by section 20(2)(b) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by paragraph 18(2) of Schedule 19 to the Data Protection Act 2018 (c. 12) and by paragraph 4 of Schedule 2 to the Elections Act 2022 (c. 37).

- (4) In regulation 6 (electronic signatures and related certificates) after paragraph (3) insert—
- “(4) This regulation does not apply in relation to a relevant absent voting application, for which the general requirements are set out in regulation 51.”.

#### Commencement Information

**I3** Reg. 3 in force at 31.10.2023, see [reg. 1\(2\)](#)

#### Amendment of Part 3 (registration) **U.K.**

- 4.—(1) Part 3 (registration) is amended as follows.
- (2) In regulation 26 (applications for registration)—
- (a) in paragraph (11), after “receives” insert “, subject to paragraph (12),”;
- (b) after paragraph (11) insert—
- “(12) Where an application made through the digital service in accordance with paragraph (9) includes the applicant’s national insurance number the Secretary of State—
- (a) may send the registration officer that application without the national insurance number, and
- (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”.
- (3) In regulation 29ZB (processing of information provided in connection with an application under section 10ZC or 10ZD)—
- (a) in paragraph (2)(a), at the end insert “transmitted to the registration officer by the Secretary of State”;
- (b) in paragraph (5)—
- (i) omit the “or” after sub-paragraph (a);
- (ii) after sub-paragraph (a) insert—
- “(aa) in the case of information disclosed under regulation 29ZA, for the purposes of determining—
- (i) a relevant absent voting application made by the same applicant where that information is used by the Secretary of State to complete in part the relevant absent voting application by virtue of regulation 51(7)(a),
- (ii) an application for an absent vote made under Part 1 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012(5) by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of paragraph 11(5A)(a) of Schedule 2 to that Order,
- (iii) an application for absent signing made under Part 4 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016(6) by the same applicant where that information is used by the Secretary of State

(5) S.I. 2012/1917; relevant amending instruments are: S.I. 2014/921, 2016/300, 2018/272, 1310, 2020/190, 2021/1265, 2022/175, 391, 1354, 1382.

(6) S.I. 2016/295; relevant amending instruments are: S.I. 2018/699, 2019/1094, 2020/581, 2021/1188, 2022/332, 1382.

**Status:** Point in time view as at 31/01/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)

to complete in part that application by virtue of regulation 60(6A) (a) of those Regulations, or

- (iv) an identity document application, as defined by regulation 3(1) of the Voter Identification Regulations 2022(7), made by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of regulation 5(2) of those Regulations, or”.

#### Commencement Information

**I4** Reg. 4 in force at 31.10.2023, see [reg. 1\(2\)](#)

#### Amendment of Part 4 (absent voters) **U.K.**

**5.**—(1) Part 4 (absent voters) is amended as follows.

(2) In regulation 50 (interpretation of Part 4), after the definition of “allotted polling station” insert—

““the maximum period” means the period specified in paragraph 3(1A)(a) or (1B)(a) of Schedule 4(8).”.

(3) In regulation 51 (general requirements for applications for an absent vote)—

(a) in paragraph (2), after sub-paragraph (a) insert—

“(aa) for a relevant absent voting application, 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;”;

(b) in paragraph (4), after “indefinite period” insert “, the maximum period”;

(c) after paragraph (6) insert—

“(7) Where, by virtue of arrangements made by the Secretary of State, a relevant absent voting application may be made through the digital service—

(a) the Secretary of State may complete the application in part using information provided by the applicant as part of an application, or partially completed application, under section 10ZC or 10ZD of the 1983 Act for registration in, or alteration of, a register of electors made through or completed using the digital service;

(b) where the application is required to contain a signature, the application must contain a compliant photograph or electronic scan of the applicant’s signature;

(c) the Secretary of State must—

(i) request that the applicant provide their most recent previous name (if they have one), and

(ii) provide an explanation of the purpose for which the information will be used.

(8) In paragraph (7)(b), “compliant photograph or electronic scan of the applicant’s signature” means—

(7) [S.I. 2022/1382](#).

(8) [2000 c. 2](#), Paragraph 3 was amended by paragraph 164 of Schedule 27 to the Civil Partnership Act 2004 (c. 33), by section 14(1) and (8) of, and paragraphs 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22), by section 34(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), by section 9(3) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6) and by paragraph 2 of Schedule 3 to the Elections Act 2022 (c. 37).

- (a) the signature contained in the photograph or electronic scan complies with the requirements of sub-paragraph (a) of paragraph (3A), and
  - (b) the photograph or electronic scan of the signature is sufficiently clear and unambiguous so as to comply with the requirements of paragraph (3A).
- (9) Where an applicant is unable to provide a national insurance number in accordance with paragraph (2)(aa), the applicant may provide as part of the application a copy of any of the documents listed in regulation 56C(2) to (4).
- (10) The Secretary of State must send to the registration officer—
- (a) subject to paragraph (11), any relevant absent voting application the Secretary of State receives,
  - (b) the applicant’s previous name (if any provided),
  - (c) any copy documentation provided by the applicant in accordance with paragraph (9), and
  - (d) a reference number unique to that application.
- (11) Where a relevant absent voting application made through the digital service in accordance with paragraph (7) includes the applicant’s national insurance number the Secretary of State—
- (a) may send the registration officer that application without the national insurance number, and
  - (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”.
- (4) In regulation 52 (additional requirements for applications for the appointment of a proxy)—
- (a) in paragraph (1), omit “together with his family relationship, if any, with the applicant.”;
  - (b) after paragraph (1) insert—  
“(1ZA) If the application for the appointment of a proxy is for the purposes of voting by proxy at a local government election in Wales, the application must also state the family relationship, if any, of the proxy with the applicant.”.
- (5) In regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election), after paragraph (5) insert—  
“(5A) Where an application under paragraph 4(2) of Schedule 4(9) is made after 5pm on the sixth day before the date of the poll at the election for which it is made because the circumstances set out in paragraph (3F)(a) of regulation 56 apply, the application must (in addition to providing any other information required by this Part) state that it is being made because of those circumstances.”.
- (6) In regulation 55B (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)—
- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”;
  - (b) after paragraph (2) insert—  
“(2A) This regulation does not apply where regulation 56(3D) applies to an application by virtue only of the circumstances set out in paragraph (3F).”.
- (7) In regulation 56 (closing date for applications)—

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(9) Paragraph 4 was amended by section 14(2) and (8) of, and paragraph 21 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22) and section 20(c)(ii) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

- (a) in paragraph (3D), after “voter identification” insert “or in the circumstances set out in paragraph (3F)”;
  - (b) after paragraph (3E) insert—
    - “(3F) The circumstances are that—
      - (a) the applicant submitted the application because an earlier application submitted by that applicant under paragraph 3(2) or 6(7) of Schedule 4 is to be disregarded for the purposes of the election referred to in paragraph (3D) because that earlier application—
        - (i) was submitted prior to the deadline of 5pm on the sixth day before the date of the poll at the election referred to in paragraph (3D),
        - (ii) was submitted via the digital service, and
        - (iii) was not received by the registration officer until after the deadline of 5pm on the sixth day before the date of the poll at the election referred to in paragraph (3D) due to a technical defect in the digital service, or
      - (b) the application referred to in paragraph (3D) meets the conditions specified in paragraphs (i), (ii) and (iii) of sub-paragraph (a).”.
- (8) After regulation 56A (grounds relating to voter identification) insert—

**“Verification of information provided in a relevant absent voting application**

**56B.**—(1) On receipt of a relevant absent voting application made otherwise than through the digital service, a registration officer must disclose the applicant’s name or names, 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), and
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(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 of State 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 application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates.
- (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 of State 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 relevant absent voting application, and
  - (b) notify the registration officer to whom the application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates, as to whether the comparison in subparagraph (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 application.
- (10) This regulation does not apply in relation to an application under paragraph 4(2) of Schedule 4—
- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
  - (b) where regulation 56(3A) or (3D) applies.
- (11) In paragraph (1)—
- (a) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003<sup>(10)</sup>;
  - (b) the reference to the applicant’s address is a reference to the address contained in the application in accordance with regulation 51(2)(b).

**Power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary**

**56C.**—(1) This regulation applies where, upon receipt of a relevant absent voting application, a registration officer considers additional evidence is necessary to verify the identity of the applicant.

(2) The registration officer may require that the applicant give them 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;

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<sup>(10)</sup> 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.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (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<sup>(11)</sup>;
  - (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.
- (3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them 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>(12)</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>(13)</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 from paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them 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—
- (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

<sup>(11)</sup> 2007 c. 30. Section 5 was amended by paragraph 19 of the Schedule to the Identity Documents Act 2010 (c. 40).

<sup>(12)</sup> 1968 c. 27.

<sup>(13)</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).



Act 1992(14), or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act(15).

(5) Where the applicant is registered, or has applied to be registered, in pursuance of an overseas elector's declaration—

- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;
- (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies”.

(6) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application,
- (b) be in writing and signed by a qualifying attester,
- (c) state the qualifying attester's full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector,

(d) state—

- (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the attester's British passport number together with its date and place of issue;

(ii) otherwise—

- (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number)(16), that digital registration number;

(bb) in all other cases, the qualifying attester's electoral number,

- (e) include an explanation as to the qualifying attester's ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester's connection to the applicant and the length of time that that connection has existed,

(f) include—

- (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer) (17), and
- (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and

(g) state the date on which it is made.

(7) In paragraph (6), a “qualifying attester” is a person—

- (a) where the applicant is or is to be registered in pursuance of an overseas elector's declaration, who is aged 18 or over,

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(14) 1992 c. 4. Section 141 was amended by section 1(1) of the Child Benefit Act 2005 (c. 6).

(15) 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) 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.

(16) Section 10B was inserted by S.I. 2018/699 and amended by S.I. 2020/581.

(17) Section 13D was inserted by section 7(1) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). By virtue of section 15(8) of the Electoral Administration Act 2006 (c. 22), section 13D extends to England and Wales and Scotland. Subsection (1) was further substituted by section 15(2) of the Electoral Administration Act 2006.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector and, except where the applicant is or is to be registered in pursuance of an overseas elector's declaration, who is registered as an elector in a local authority area in England or Wales,
  - (d) except where the person is registered in pursuance of an overseas elector's declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the qualifying attester's name appears was last published under section 13(1) of the 1983 Act<sup>(18)</sup>;
    - (ii) the date on which a notice specifying the qualifying attester's entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act<sup>(19)</sup> (and if there has been more than one such notice, the date on which the last one was issued).
- (8) In paragraph (7)(e), a "relevant identity attestation" is an attestation provided in accordance with—
- (a) paragraph (6);
  - (b) regulation 26B(6);
  - (c) regulation 26B(6) or 56C(6) of the Representation of the People (Scotland) Regulations 2001<sup>(20)</sup>;
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
  - (e) regulation 72B(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
  - (f) regulation 7(6) of the Voter Identification Regulations 2022.
- (9) Paragraphs (2) to (6) do not apply where the applicant is registered, or has applied to be registered, in a register of parliamentary electors or a register of local government electors in England in pursuance of the following declarations—
- (a) a service declaration on the grounds that the applicant is a Crown servant or the spouse or civil partner of a Crown servant;
  - (b) a service declaration on the grounds that the applicant is a member of the forces;
  - (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces.
- (10) In the case of an application to which paragraph (9)(a) or (c) applies, the registration officer may require that the applicant give them a copy, or where the registration officer

<sup>(18)</sup> 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).

<sup>(19)</sup> 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(3) 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. It 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.

<sup>(20)</sup> S.I. 2001/497; relevant amending instruments are: S.I. 2006/834, 2007/925, 2008/305, 2013/3206, 2015/1966, 2017/602, 604, 2018/1310, 2019/1451, 2021/391, 1265, 2022/1382 and S.S.I. 2020/113.

considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the forces, who is not the applicant's spouse or civil partner—

- (a) the applicant's passport;
- (b) the applicant's identity card issued in the European Economic Area.

(11) In the case of an application to which paragraph (9)(b) applies, the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application,
- (b) be in writing and signed by an officer of the forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve, and
- (d) state the date on which it is made.

(12) In this regulation—

“Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;

“member of the forces” has the same meaning as in section 59(1) of the 1983 Act<sup>(21)</sup>;

“officer of the forces” means a member of the forces who is an officer.

(13) This regulation does not apply in relation to an application under paragraph 4(2) of Schedule 4—

- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
- (b) where regulation 56(3A) or (3D) applies.

### **Processing of information provided in connection with a relevant absent voting application**

**56D.**—(1) If a person provides an original document under regulation 56C, the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any relevant absent voting application, the registration officer must retain until the application has been determined—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application transmitted to the registration officer by the Secretary of State;
- (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) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but, if they do so, must delete the applicant's national insurance number from the application form, information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the relevant absent voting application.

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(21) Section 59(1) was amended by section 1 of the Representation of the People Act 1993 (c. 29).

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.
- (5) Information disclosed under regulation 56B must not be disclosed to any other person, except—
- (a) for the purpose of determining the relevant absent voting application in connection with which the information was disclosed, or
  - (b) for the purpose of any civil or criminal proceedings.
- (6) A person who discloses information in breach of paragraph (5) 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, to imprisonment for a term not exceeding the general limit in a magistrates' court, or to a fine (or both).
- (7) Any information disclosed under regulation 56B 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.
- (8) In this regulation, “copy” includes an electronic copy.”
- (9) In regulation 57 (grant or refusal of applications)—
- (a) after paragraph (1) insert—
 

“(1A) Where a registration officer grants an application to vote by post at a parliamentary election or a local government election in England, the notification under paragraph (1) must include—

    - (a) where the postal vote entitlement is for a particular election, the date of the poll for which the elector’s entitlement to vote by post has been granted;
    - (b) otherwise, the date on which the elector’s entitlement to vote by post ends.”;
  - (b) in paragraph (3), at the end insert “in respect of the appointment of a proxy for the purpose of voting at a local government election or local government elections in Wales”;
  - (c) after paragraph (3) insert—
 

“(3A) The form of proxy paper in Form E1 is prescribed for the purposes of paragraph 6(9) of Schedule 4 in respect of the appointment of a proxy for the purpose of voting—

    - (a) at a parliamentary election, or at parliamentary elections;
    - (b) at a local government election, or at local government elections, in England.”;
  - (d) after paragraph (6) insert—
 

“(7) Paragraphs (8) to (10) apply where—

    - (a) an application under Schedule 4 relates to voting at a parliamentary election or at a local government election in England, and
    - (b) either—
      - (i) paragraph (2) of regulation 51AA applies to that application, or would have applied if paragraph (3) of that regulation were ignored, or
      - (ii) paragraph (1) of regulation 51B applies to that application, or would have applied if paragraph (2) of that regulation were ignored.

- (8) A notification under paragraph (1) or (4A) to one of the following types of applicants must also include a statement that ballot papers will be sent to the postal ballot delivery address—
- (a) an applicant registered in pursuance of an overseas elector’s declaration;
  - (b) an applicant registered in pursuance of a service declaration;
  - (c) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act(22));
  - (d) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act(23));
  - (e) an applicant who has an anonymous entry.
- (9) Where sub-paragraphs (a) to (e) of paragraph (8) do not apply to the applicant, the registration officer must, in addition to notifying the applicant in accordance with paragraphs (1), (4), (4A) or (5), notify the applicant in writing that—
- (a) the application has been granted, refused or disregarded, and
  - (b) where the application has been granted, ballot papers will be sent to the postal ballot delivery address.
- (10) A notification under paragraph (9) must be delivered to—
- (a) where paragraph (7)(b)(ii) applies and the notification is to be delivered to a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4(24), the address shown in that record;
  - (b) otherwise—
    - (i) the address stated in the application in accordance with regulation 51(2)(b), or
    - (ii) the proxy’s address stated in the application in accordance with regulation 51(2)(c).
- (11) In paragraphs (8) and (9), the “postal ballot delivery address” means—
- (a) where paragraph (7)(b)(i) applies, the address stated in the application in accordance with regulation 51(2)(d);
  - (b) where paragraph (7)(b)(ii) applies, the different address described in regulation 51B(1).”.
- (10) After regulation 60 (inquiries by registration officer) insert—

**“Requirement to notify certain electors and proxies that postal vote entitlement is to end**

**60ZA.**—(1) This regulation applies in respect of an elector or proxy who remains entitled to vote by post at a parliamentary election or at a local government election in England by virtue of an entitlement which was granted for the maximum period (“the relevant person”).

(22) 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), by section 8 of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), by sections 1(4) and 8 of the Scottish Elections (Franchise and Representation Act 2020 (asp 6), by section 19 of the Senedd and Elections (Wales) Act 2020 (anaw 1), by paragraph 2(2) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1) 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.

(23) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000.

(24) Paragraph 7 was amended by sections 14(3) and (8) and 38(6)(b) of, and paragraphs 23 and 137(7) of Schedule 1 to, the Electoral Administration Act 2006 (c. 22), by sections 20(c)(iv) and 27(2)(b) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and by paragraph 3 of Schedule 3 to the Elections Act 2022 (c. 37).

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (2) The registration officer must, before the end of the maximum period, send to the relevant person—
- (a) a notice informing the relevant person of the date on which the relevant person’s entitlement to vote by post is to end, and
  - (b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy).”.
- (11) In regulation 60A (requirement to provide fresh signatures at five yearly intervals), before paragraph (1) insert—
- “(A1) This regulation does not apply to an elector or proxy so far as that elector or proxy remains entitled to vote by post at a parliamentary election or at a local government election in England.”.
- (12) In regulation 61 (records and lists kept under Schedule 4), in paragraph (7) after “regulation 56(3A)” insert “or (3D)”.

#### Commencement Information

**I5** Reg. 5 in force at 31.10.2023, see [reg. 1\(2\)](#)

### Amendment of Schedule 3 (forms) **U.K.**

6. In Schedule 3 (forms)—
- (a) in the arrangement of forms—
    - (i) in the entry for Form E, after “proxy paper” insert “(local government elections in Wales)”;
    - (ii) after that entry insert—
 

“Form E1: Proxy paper (parliamentary elections and local government elections in England)”;
  - (b) for Form A (official poll card to be sent to an elector voting in person) and Form B (official proxy poll card to be sent to an appointed proxy voting in person) substitute the corresponding forms as set out in Schedule 3;
  - (c) in Form E—
    - (i) omit “Constituency”;
    - (ii) omit “\*” in the first place it occurs;
    - (iii) omit “]” in the first place it occurs;
    - (iv) omit “\*[who qualifies as an overseas elector in respect of the above constituency]”;
    - (v) for “\*[parliamentary] \*[local government]” in both places it occurs substitute “local government”;
    - (vi) for “\*[constituency] \*[electoral area]” in both places it occurs substitute “electoral area”;
    - (vii) in the section titled “Your right to vote as proxy”, in paragraph (2), omit “parliamentary, or”;
  - (d) after Form E, insert new Form E1 as set out in Schedule 3.

**Commencement Information**

- 16** Reg. 6(a)(c)(d) in force at 31.10.2023, see reg. 1(2)  
**17** Reg. 6(b) in force at 31.1.2024, see reg. 1(3)(a)

**PART 3 U.K.**

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

**Introduction to Part 3 U.K.**

7. The Representation of the People (Scotland) Regulations 2001 are amended in accordance with this Part.

**Commencement Information**

- 18** Reg. 7 in force at 31.10.2023, see reg. 1(2)

**Amendment of Part 1 (general, interpretation and miscellaneous) U.K.**

8.—(1) Part 1 (general, interpretation and miscellaneous) is amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “digital service” substitute—

““digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the Secretary of State for Levelling Up, Housing and Communities for (amongst other purposes) the purpose of—

- (a) processing online applications under sections 10ZC and 10ZD of the 1983 Act and online relevant absent voting applications,  
(b) verifying information under regulations 29ZA and 56B, and  
(c) data matching under regulation 32ZBB in respect of the annual canvass for a register;”;

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

““relevant absent voting application” has the meaning given in paragraph 1A(7)(a)(i) of Schedule 2 to the 1983 Act;”;

(b) after paragraph (3A) insert—

“(3B) A document provided in accordance with regulation 51(9) or 56C may be transmitted by an applicant to a registration officer by electronic means.”.

(3) In regulation 5 (communication of applications, notices etc.)—

(a) in paragraph (1), after “notice” insert “, relevant attestation”;

(b) after paragraph (2), insert—

“(3) In paragraph (1), “relevant attestation” means an attestation under regulation 56C(6).”.

(4) In regulation 6 (electronic signatures and related certificates) after paragraph (3) insert—

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“(4) This regulation does not apply in relation to a relevant absent voting application, for which the general requirements are set out in regulation 51.”.

#### Commencement Information

**I9** Reg. 8 in force at 31.10.2023, see [reg. 1\(2\)](#)

#### Amendment of Part 3 (registration) **U.K.**

9.—(1) Part 3 (registration) is amended as follows.

(2) In regulation 26 (applications for registration)—

- (a) in paragraph (11), after “receives” insert “, subject to paragraph (12),”;
- (b) after paragraph (11) insert—

“(12) Where an application made through the digital service in accordance with paragraph (9) includes the applicant’s national insurance number the Secretary of State—

- (a) may send the registration officer that application without the national insurance number, and
- (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”.

(3) In regulation 29ZB (processing of information provided in connection with an application under section 10ZC or 10ZD)—

- (a) in paragraph (2)(a), at the end insert “transmitted to the registration officer by the Secretary of State”;
- (b) in paragraph (5)—
  - (i) omit the “or” after sub-paragraph (a);
  - (ii) after sub-paragraph (a) insert—
    - “(aa) in the case of information disclosed under regulation 29ZA, for the purposes of determining—

- (i) a relevant absent voting application made by the same applicant where that information is used by the Secretary of State to complete in part the relevant absent voting application by virtue of regulation 51(7)(a),
- (ii) an application for an absent vote made under Part 1 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012 by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of paragraph 11(5A)(a) of Schedule 2 to that Order,
- (iii) an application for absent signing made under Part 4 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 by the same applicant where that information is used by the Secretary of State to complete in part that application by virtue of regulation 60(6A) (a) of those Regulations, or
- (iv) an identity document application, as defined by regulation 3(1) of the Voter Identification Regulations 2022, made by the same applicant where that information is used by the Secretary of State



to complete in part that application by virtue of regulation 5(2) of those Regulations, or”.

#### Commencement Information

**I10** Reg. 9 in force at 31.10.2023, see [reg. 1\(2\)](#)

#### Amendment of Part 4 (absent voters) **U.K.**

**10.**—(1) Part 4 (absent voters) is amended as follows.

(2) In regulation 50 (interpretation of Part 4), after the definition of “allotted polling station” insert—

““the maximum period” means the period specified in paragraph 3(1A)(a) or (1B)(a) of Schedule 4.”.

(3) In regulation 51 (general requirements for applications for an absent vote)—

(a) in paragraph (2), after sub-paragraph (a) insert—

“(aa) for a relevant absent voting application, 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;”;

(b) in paragraph (4), after “indefinite period” insert “, the maximum period”;

(c) after paragraph (6) insert—

“(7) Where, by virtue of arrangements made by the Secretary of State, a relevant absent voting application may be made through the digital service—

(a) the Secretary of State may complete the application in part using information provided by the applicant as part of an application, or partially completed application, under section 10ZC or 10ZD of the 1983 Act for registration in, or alteration of, a register of electors made through or completed using the digital service;

(b) where the application is required to contain a signature, the application must contain a compliant photograph or electronic scan of the applicant’s signature;

(c) the Secretary of State must—

(i) request that the applicant provide their most recent previous name (if they have one), and

(ii) provide an explanation of the purpose for which the information will be used.

(8) In paragraph (7)(b), “compliant photograph or electronic scan of the applicant’s signature” means—

(a) the signature contained in the photograph or electronic scan complies with the requirements of sub-paragraph (a) of paragraph (3A), and

(b) the photograph or electronic scan of the signature is sufficiently clear and unambiguous so as to comply with the requirements of paragraph (3A).

(9) Where an applicant is unable to provide a national insurance number in accordance with paragraph (2)(aa), the applicant may provide as part of the application a copy of any of the documents listed in regulation 56C(2) to (4).

(10) The Secretary of State must send to the registration officer—

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- (a) subject to paragraph (11), any relevant absent voting application the Secretary of State receives,
  - (b) the applicant’s previous name (if any provided),
  - (c) any copy documentation provided by the applicant in accordance with paragraph (9), and
  - (d) a reference number unique to that application.
- (11) Where a relevant absent voting application made through the digital service in accordance with paragraph (7) includes the applicant’s national insurance number the Secretary of State—
- (a) may send the registration officer that application without the national insurance number, and
  - (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”.
- (4) In regulation 52 (additional requirements for applications for the appointment of a proxy)—
- (a) in paragraph (1), omit “together with his family relationship, if any, with the applicant,”;
  - (b) after paragraph (1) insert—
    - “(1ZA) If the application for the appointment of a proxy is for the purposes of voting at a local government election, the application must also state the family relationship if any, of the proxy with the applicant.”.
- (5) In regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election), after paragraph (4) insert—
- “(5) Where an application under paragraph 4(2) of Schedule 4 is made after 5pm on the sixth day before the date of the poll at the election for which it is made because the circumstances set out in paragraph (3F)(a) of regulation 56 apply, the application must (in addition to providing any other information required by this Part) state that it is being made because of those circumstances.”.
- (6) In regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular parliamentary election: grounds relating to voter identification)—
- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”;
  - (b) after paragraph (2) insert—
    - “(2A) This regulation does not apply where regulation 56(3D) applies to an application by virtue only of the circumstances set out in paragraph (3F).”.
- (7) In regulation 56 (closing date for applications)—
- (a) in paragraph (3D), after “voter identification” insert “or in the circumstances set out in paragraph (3F)”;
  - (b) after paragraph (3E) insert—
    - “(3F) The circumstances are that—
      - (a) the applicant submitted the application because an earlier application submitted by that applicant under paragraph 3(2) or 6(7) of Schedule 4 is to be disregarded for the purposes of the election referred to in paragraph (3D) because that earlier application—
        - (i) was submitted prior to the deadline of 5pm on the sixth day before the date of the poll at the election referred to in paragraph (3D),
        - (ii) was submitted via the digital service, and

- (iii) was not received by the registration officer until after the deadline of 5pm on the sixth day before the date of the poll at the election referred to in paragraph (3D) due to a technical defect in the digital service, or
  - (b) the application referred to in paragraph (3D) meets the conditions specified in paragraphs (i), (ii) and (iii) of sub-paragraph (a).”.
- (8) After regulation 56A (grounds relating to voter identification) insert—

**“Verification of information provided in a relevant absent voting application**

**56B.**—(1) On receipt of a relevant absent voting application made otherwise than through the digital service, a registration officer must disclose the applicant’s name or names, 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), and
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(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 of State 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 application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates.

(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 of State 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—

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- (a) compare the third stage information against the information provided in the relevant absent voting application, and
  - (b) notify the registration officer to whom the application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates, 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 application.
- (10) This regulation does not apply in relation to an application under paragraph 4(2) of Schedule 4—
- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
  - (b) where regulation 56(3A) or (3D) applies.
- (11) In paragraph (1)—
- (a) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;
  - (b) the reference to the applicant’s address is a reference to the address contained in the application in accordance with regulation 51(2)(b).

**Power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary**

**56C.**—(1) This regulation applies where, upon receipt of a relevant absent voting application, a registration officer considers additional evidence is necessary to verify the identity of the applicant.

(2) The registration officer may require that the applicant give them 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;
- (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.

(3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them 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;
  - (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;

- (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 from paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them 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—
- (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, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- (5) Where the applicant is registered, or has applied to be registered, in pursuance of an overseas elector's declaration, paragraphs (3) and (4) apply with the following modifications—
- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from "and which must" to "Kingdom" were omitted;
  - (b) paragraph (4) applies as if after "kinds of evidence" there were inserted " , must have been issued in the United Kingdom or Crown Dependencies".
- (6) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—
- (a) confirm that the applicant is the person named in the application,
  - (b) be in writing and signed by a qualifying attester,
  - (c) state the qualifying attester's full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector,
  - (d) state—
    - (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the attester's British passport number together with its date and place of issue;
    - (ii) otherwise—

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- (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number;
- (bb) in all other cases, the qualifying attester’s electoral number,
- (e) include an explanation as to the qualifying attester’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed,
- (f) include—
  - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
- (g) state the date on which it is made.
- (7) In paragraph (6), a “qualifying attester” is a person—
  - (a) where the applicant is or is to be registered in pursuance of an overseas elector’s declaration, who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector, and, except where the applicant is or is to be registered in pursuance of an overseas elector’s declaration, who is registered as an elector in a local authority area in Scotland,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the qualifying attester’s name appears was last published under section 13(1) of the 1983 Act;
    - (ii) the date on which a notice specifying the qualifying attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (8) In paragraph (7)(e), a “relevant identity attestation” is an attestation provided in accordance with—
  - (a) paragraph (6);
  - (b) regulation 26B(6);
  - (c) regulation 26B(6) or 56C(6) of the Representation of the People (England and Wales) Regulations 2001;
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
  - (e) regulation 72B(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
  - (f) regulation 7(6) of the Voter Identification Regulations 2022.

(9) Paragraphs (2) to (6) do not apply where the applicant is registered, or has applied to be registered, in a register of parliamentary electors or a register of local government electors in England in pursuance of the following declarations—

- (a) a service declaration on the grounds that the applicant is a Crown servant or the spouse or civil partner of a Crown servant;
- (b) a service declaration on the grounds that the applicant is a member of the forces;
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces.

(10) In the case of an application to which paragraph (9)(a) or (c) applies, the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the forces, who is not the applicant's spouse or civil partner—

- (a) the applicant's passport;
- (b) the applicant's identity card issued in the European Economic Area.

(11) In the case of an application to which paragraph (9)(b) applies, the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application,
- (b) be in writing and signed by an officer of the forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve, and
- (d) state the date on which it is made.

(12) In this regulation—

“Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;

“member of the forces” has the same meaning as in section 59(1) of the 1983 Act;

“officer of the forces” means a member of the forces who is an officer.

(13) This regulation does not apply in relation to an application under paragraph 4(2) of Schedule 4—

- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
- (b) where regulation 56(3A) or (3D) applies.

### **Processing of information provided in connection with a relevant absent voting application**

**56D.**—(1) If a person provides an original document under regulation 56C, the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any relevant absent voting application, the registration officer must retain until the application has been determined—

- (a) the application form, or, in the case of an application made through the digital service, the information contained in the application transmitted to the registration officer by the Secretary of State;

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (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) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but, if they do so, must delete the applicant's national insurance number from the application form, information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the relevant absent voting application.
- (4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.
- (5) Information disclosed under regulation 56B must not be disclosed to any other person, except—
- (a) for the purpose of determining the relevant absent voting application in connection with which the information was disclosed, or
  - (b) for the purpose of any civil or criminal proceedings.
- (6) A person who discloses information in breach of paragraph (5) 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, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum (or both).
- (7) Any information disclosed under regulation 56B 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.
- (8) In this regulation, "copy" includes an electronic copy."
- (9) In regulation 57 (grant or refusal of applications)—
- (a) after paragraph (1) insert—
 

“(1A) Where a registration officer grants an application to vote by post at a parliamentary election, the notification under paragraph (1) must include—

    - (a) where the postal vote entitlement is for a particular election, the date of the poll for which the elector's entitlement to vote by post has been granted;
    - (b) otherwise, the date on which the elector's entitlement to vote by post ends.”;
  - (b) in paragraph (3), at the end insert “in respect of the appointment of a proxy for the purpose of voting at a local government election or local government elections”;
  - (c) after paragraph (3) insert—
 

“(3A) The form of proxy paper in Form E1 is prescribed for the purposes of paragraph 6(9) of Schedule 4 in respect of the appointment of a proxy for the purpose of voting at a parliamentary election, or at parliamentary elections.”;
  - (d) after paragraph (6) insert—
 

“(6A) Paragraphs (6B) to (6D) apply where—

    - (a) an application under Schedule 4 relates to voting at a parliamentary election, and
    - (b) either—



- (i) paragraph (2) of regulation 51AA applies to that application, or would have applied if paragraph (3) of that regulation were ignored, or
    - (ii) paragraph (1) of regulation 51B applies to that application, or would have applied if paragraph (1A) of that regulation were ignored.
  - (6B) A notification under paragraph (1) or (4A) to one of the following types of applicants must also include a statement that ballot papers will be sent to the postal ballot delivery address—
    - (a) an applicant registered in pursuance of an overseas elector’s declaration;
    - (b) an applicant registered in pursuance of a service declaration;
    - (c) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act);
    - (d) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act);
    - (e) an applicant who has an anonymous entry.
  - (6C) Where sub-paragraphs (a) to (e) of paragraph (6B) do not apply to the applicant, the registration officer must, in addition to notifying the applicant in accordance with paragraphs (1), (4), (4A) or (5), notify the applicant in writing that—
    - (a) the application has been granted, refused or disregarded, and
    - (b) where the application has been granted, ballot papers will be sent to the postal ballot delivery address.
  - (6D) A notification under paragraph (6C) must be delivered to—
    - (a) where paragraph (6A)(b)(ii) applies and the notification is to be delivered to a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4, the address shown in that record;
    - (b) otherwise—
      - (i) the address stated in the application in accordance with regulation 51(2)(b), or
      - (ii) the proxy’s address stated in the application in accordance with regulation 51(2)(c).
  - (6E) In paragraphs (6B) and (6C), the “postal ballot delivery address” means—
    - (a) where paragraph (6A)(b)(i) applies, the address stated in the application in accordance with regulation 51(2)(d);
    - (b) where paragraph (6A)(b)(ii) applies, the different address described in regulation 51B(1).”.
- (10) After regulation 60 (inquiries by registration officer) insert—

**“Requirement to notify certain electors and proxies that postal vote entitlement is to end**

**60ZA.**—(1) This regulation applies in respect of an elector or proxy who remains entitled to vote by post at a parliamentary election by virtue of an entitlement which was granted for the maximum period (“the relevant person”).

(2) The registration officer must, before the end of the maximum period, send to the relevant person—

- (a) a notice informing the relevant person of the date on which the relevant person’s entitlement to vote by post is to end, and

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(b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy).”.

(11) In regulation 60A (requirement to provide fresh signatures at five yearly intervals), before paragraph (1) insert—

“(A1) This regulation does not apply to an elector or proxy so far as that elector or proxy remains entitled to vote by post at a parliamentary election.”.

(12) In regulation 61 (records and lists kept under Schedule 4), in paragraph (7) after “regulation 56(3A)” insert “or (3D)”.

#### Commencement Information

**I11** Reg. 10 in force at 31.10.2023, see [reg. 1\(2\)](#)

### Amendment of Schedule 3 (forms) **U.K.**

**11.** In Schedule 3 (forms)—

(a) in the arrangement of forms—

(i) in the entry for Form E, after “proxy paper” insert “(local government elections)”;

(ii) after that entry insert—

“Form E1: Proxy paper (parliamentary elections)”;

(b) for Form A (official poll card to be sent to an elector voting in person) and Form B (official proxy poll card to be sent to an appointed proxy voting in person) substitute the corresponding forms as set out in Schedule 4;

(c) in Form E—

(i) omit “Constituency”;

(ii) omit “\*” in the first place it occurs;

(iii) omit “]” in the first place it occurs;

(iv) omit “\*[who qualifies as an overseas elector in respect of the above constituency]”;

(v) for “\*[parliamentary] \*[local government]” in both places it occurs substitute “local government”;

(vi) for “\*[constituency] \*[electoral area]” in both places it occurs substitute “electoral area”;

(vii) in the section titled “Your right to vote as proxy”, in paragraph (2), omit “parliamentary, or”;

(d) after Form E, insert new Form E1 as set out in Schedule 4.

#### Commencement Information

**I12** Reg. 11(a)(c)(d) in force at 31.10.2023, see [reg. 1\(2\)](#)

**I13** [Reg. 11\(b\)](#) in force at 31.1.2024, see [reg. 1\(3\)\(a\)](#)

## PART 4 **U.K.**

### Other amendments

#### Amendment of the Representation of the People (Scotland) Regulations 1986 **U.K.**

12. In regulation 98 of the Representation of the People (Scotland) Regulations 1986 (modification of parliamentary elections rules)(**25**), in paragraph (8) after sub-paragraph (a) insert—

- “(aa) in questions 2(e) and 3(e), for “in this election” substitute “in this Parliamentary election”;
- (ab) in questions 2(f) and 3(f), after “today” insert “at this Parliamentary election”;

#### Commencement Information

**I14** [Reg. 12](#) in force at 31.1.2024, see [reg. 1\(3\)\(a\)](#)

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

13. In Schedule 2 to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (modifications to parliamentary elections rules)(**26**), in paragraph 12(2), after paragraph (a) insert—

- “(aa) in questions 2(e) and 3(e), for “in this election” substitute “in this Parliamentary election”;
- (ab) in questions 2(f) and 3(f), after “today” insert “at this Parliamentary election”;

#### Commencement Information

**I15** [Reg. 13](#) in force at 31.1.2024, see [reg. 1\(3\)\(a\)](#)

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

14.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(**27**) are amended as follows.

- (2) Schedule 1 (the mayoral elections rules) is amended in accordance with paragraphs (3) to (5).
- (3) In rule 35 (questions to be put to voters)—
  - (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (a), omit “and”;
    - (ii) in sub-paragraph (b), at the beginning insert “in relation to a mayoral election held in Wales”;
    - (iii) at the end of sub-paragraph (b), insert “and”;
    - (iv) after sub-paragraph (b) insert—
      - “(c) in relation to a mayoral election held in England, must be put if—

(25) [S.I. 1986/1111](#), amended by [S.I. 2022/1382](#); there are other amending instruments but none is relevant.

(26) [S.I. 2004/294](#), amended by [S.I. 2006/3278](#); there are other amending instruments but none is relevant.

(27) [S.I. 2007/1024](#), amended by [S.I. 2022/1382](#); there are other amending instruments but none is relevant.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (i) (where applicable) the person has answered the previous question in the manner indicated, and
    - (ii) the letter “R” appears after the question and the candidate or the candidate’s election or polling agent requires the question to be put.”;
  - (b) in the table following paragraph (1)—
    - (i) in entry 2 (proxy) and entry 3 (proxy for an anonymous elector), in the column headed “Question”—
      - (aa) in question (c) at the beginning insert “In relation to a mayoral election held in Wales:”;
      - (bb) after question (c) insert—
        - “(d) In relation to a mayoral election held in England: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of four or more electors?” [R]
        - (e) If the person answers question (d) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of two or more electors?” [R]
        - (f) If the person answers question (e) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
        - (g) If the person answers question (f) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
    - (ii) in entry 4, in the column headed “Person applying for ballot paper” at the beginning insert “In relation to a mayoral election held in Wales,”.
- (4) In rule 57 (delivery and retention of documents), after paragraph (c) insert—
  - “(ca) in the case of a mayoral election held in England, the packet containing the completed ballot paper refusal list,”.
- (5) In the Appendix of Forms, for Forms 8A (elector’s official poll card (for use at mayoral elections in England)) and 10A (official proxy poll card (for use at mayoral elections in England)) substitute the corresponding forms in Part 1 of Schedule 5.
- (6) Schedule 3 (mayoral election (combination of polls) rules) is amended in accordance with paragraphs (7) to (9).
- (7) In rule 35 (questions to be put to voters)—
  - (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (a), omit “and”;

- (ii) in sub-paragraph (b), at the beginning insert “in relation to a mayoral election held in Wales.”;
- (iii) at the end of sub-paragraph (b), insert “and”;
- (iv) after sub-paragraph (b) insert—
  - “(c) in relation to a mayoral election held in England, must be put if—
    - (i) the person has answered the previous question in the manner indicated, and
    - (ii) the letter “R” appears after the question and the candidate or the candidate’s election or polling agent requires the question to be put.”;
- (b) in the table following paragraph (1)—
  - (i) in entry 2 (proxy) and entry 3 (proxy for an anonymous elector), in the column headed “Question”—
    - (aa) in question (c) at the beginning insert “In relation to a mayoral election held in Wales.”;
    - (bb) after question (c) insert—
      - “(d) In relation to a mayoral election held in England: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of four or more electors?” [R]
      - (e) If the person answers question (d) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of two or more electors?” [R]
      - (f) If the person answers question (e) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
      - (g) If the person answers question (f) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
    - (ii) in entry 4, in the column headed “Person applying for ballot paper” at the beginning insert “In relation to a mayoral election held in Wales.”.
- (8) In rule 57 (delivery and retention of documents), in paragraph (1), after sub-paragraph (c) insert—
  - “(ca) in the case of a mayoral election held in England, the packet containing the completed ballot paper refusal list.”.
- (9) In the Appendix of Forms, for Forms 8A (elector’s official poll card (for use at mayoral elections in England)) and 10A (official proxy poll card (for use at mayoral elections in England)) substitute the corresponding forms in Part 2 of Schedule 5.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

#### Commencement Information

**I16** Reg. 14(1)((2)(4)(6)(8) in force at 31.10.2023, see [reg. 1\(2\)](#)

**I17** [Reg. 14\(3\)\(5\)\(7\)\(9\)](#) in force at 31.1.2024, see [reg. 1\(3\)\(a\)](#)

### The Local Authorities (Conduct of Referendums) (England) Regulations 2012 U.K.

**15.**—(1) The Local Authorities (Conduct of Referendums) (England) Regulations 2012(**28**) are amended as follows.

(2) Schedule 3 (local government act referendum rules) is amended in accordance with paragraphs (3) and (4).

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

(a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;

(b) in the table following paragraph (1)—

(i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—

“(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]

(d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]

(e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;

(ii) omit entry 4;

(c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

(4) In Part 8 (appendix of forms), for the form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding forms in Part 1 of Schedule 6.

(5) In Schedule 4 (application, with modifications, of Acts and subordinate legislation)—

(a) in Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences)(**29**), in the second column—

**(28)** [S.I. 2012/323](#); relevant amending instruments are: [S.I. 2014/924](#), [2022/1382](#).

**(29)** Section 61 was amended by paragraph 2 of Schedule 2 and Schedule 5 to the Representation of the People Act [1985 \(c. 50\)](#), by paragraph 10 of Schedule 3 to the Greater London Authority Act [1999 \(c. 29\)](#), by paragraph 83 of Schedule 27 to the Civil Partnership Act [2004 \(c. 33\)](#), by section 38(3) of the Electoral Administration Act [2006 \(c. 22\)](#), by section 27(1) of the Local

- (i) after the modifications for subsection (1) insert—
  - “In subsection (1A)—
    - (a) omit paragraphs (a), (b), (e) and (f);
    - (b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;
    - (c) in paragraph (d)(ii), after “that election” insert “or referendum”.”;
  - (ii) in the modifications for subsections (2) to (4)—
    - (aa) for “subsections (2) to (4)” substitute “subsections (2) to (3A)”;
    - (bb) omit the text of substituted subsection (4);
  - (iii) after those modifications insert—
    - “In subsection (3B)—
      - (a) omit paragraphs (a)(i) and (ii) and (b);
      - (b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;
      - (c) in paragraph (a)(iv) and (c)(ii), after “those elections” insert “or referendums”.”;
- (b) in Table 3 (Representation of the People Act 2000), in the entry for Schedule 4, in the second column—
  - (i) in the modifications to paragraphs 2 to 7, 7C and 7D<sup>(30)</sup>—
    - (aa) after “3(4)(a)(i),” insert “3(4)(aa), 3(5)(ca),”;
    - (bb) for “and 7(6)(a)(i)” substitute “, 7(6)(a)(i), 7(6)(aa) and 7(9)(ca)”;
  - (ii) after the modification for paragraphs 3(4)(a)(i) and 7(6)(a)(i) insert—
    - “In paragraphs 3(4)(aa), 3(5)(ca), 7(6)(aa) and 7(9)(ca), for “(or both)” substitute “or referendums, or at any combination of such polls”.”;
- (c) in Table 6 (Representation of the People (England and Wales) Regulations 2001)—
  - (i) in the entry for regulation 3, in the second column, at the beginning insert—
    - “In paragraph (1), for the definition of “relevant absent voting application” substitute—
      - ““relevant absent voting application” means an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000 as applied by the Local Authorities (Conduct of Referendums) (England) Regulations 2012;”.”;

Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), by section 5(3) of the Scottish Elections (Reform) Act 2020 (asp 12) and by paragraph 8 of Schedule 1 and paragraph 2 of Schedule 4 to the Elections Act 2022 (c. 37).

(30) Paragraph 2 was amended by sections 35 and 38(6)(a) of, and paragraph 137(3) of Schedule 1 to, the Electoral Administration Act 2006, by sections 27(2)(a) and 32 of the Local Electoral Administration and Registration Services (Scotland) Act 2006, by section 21(3) of the Electoral Registration and Administration Act 2013 (c. 6), by paragraph 12 of Schedule 12 to the Policing and Crime Act 2017 (c. 3) and by section 9(2) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6). Paragraph 5 was amended by paragraphs 22 and 137(5) and (6) of Schedule 1 to the Electoral Administration Act 2006. Paragraph 6 was amended by paragraph 164(3) of Schedule 27 to the Civil Partnership Act 2004 (c. 33), by section 3 of the Electoral Registration and Administration Act 2013, by section 16 of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), by section 9(4) of the Scottish Elections (Franchise and Representation) Act 2020, by paragraph 8(3)(b) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1), and by paragraph 7 of Schedule 4 to the Elections Act 2022. Paragraphs 7C and 7D were inserted by section 14(4) and (8) of the Electoral Administration Act 2006.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (ii) in the entry for regulation 4(1)(b), for “Forms E” substitute “Forms E1”;
- (iii) in the entry for regulation 52, in the second column insert—
  - “In paragraphs (A1), (1A)(a) and (2), after “local government election” insert “or referendum”.”;
- (iv) in the entry for regulation 55B, in the first column, for “election” substitute “parliamentary election or local government election in England”;
- (v) in the entry for regulation 56, in the second column, after the modifications for paragraph (3D) insert—
  - “In paragraph (3F)(a), after “election” in each place it occurs insert “or referendum”.”;
- (vi) after the entry for regulation 56A insert—

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“Regulation 56B (verification of information provided in a relevant absent voting application)

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Regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary)

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Regulation 56D (processing of information provided in connection with a relevant absent voting application) ”;

- (vii) in the entry for regulation 57, for the second column substitute—
    - “In paragraph (3A)(b)—
      - (a) after “election” insert “or referendum”;
      - (b) after “elections” insert “or referendums”.
    - In paragraph (5) after “election” insert “or referendum”.
    - In paragraph (7), after “local government election” insert “or referendum”.”;
  - (viii) in the entry for Schedule 3, Form E, in the first column, for “Form E” substitute “Form E1”.
- (6) Schedule 5 (the local government act referendums (combination of polls) rules) is amended in accordance with paragraphs (7) and (8).
- (7) In rule 26 (questions to be put to voters and proxies)—
- (a) in paragraph (1)(b), after “put if” insert “(where applicable) the person has answered the previous question in the manner indicated, and”;
  - (b) in the table following paragraph (1)—
    - (i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—
      - “(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]



- (d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]
  - (e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
  - (f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
- (ii) omit entry 4;
- (c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.
- (8) In Part 8 (appendix of forms), for the form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding forms in Part 2 of Schedule 6.

#### Commencement Information

**I18** Reg. 15(1)-(4), (5)(a)(ii)(iii), (6)-(8) in force at 31.1.2024, see **reg. 1(3)(b)**

**I19** Reg. 15(5)(a)(i)(b)(c) in force at 31.10.2023, see **reg. 1(2)**

### The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 **U.K.**

**16.**—(1) The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012<sup>(31)</sup> are amended as follows.

(2) Schedule 3 (the local government finance act referendums rules) is amended in accordance with paragraphs (3) and (4).

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

(a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;

(b) in the table following paragraph (1)—

(i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—

“(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]

(d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere

<sup>(31)</sup> S.I. 2012/444; relevant amending instruments are S.I. 2014/925, 2022/1382.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

in this voting area or anywhere else in England, on behalf of two or more voters?” [R]

(e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;

(ii) omit entry 4;

(c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

(4) In Part 8 (appendix of forms), for the form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding forms in Part 1 of Schedule 7.

(5) In Schedule 4 (application, with modifications, of Acts and subordinate legislation)—

(a) in Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column—

(i) after the modifications for subsection (1) insert—

“In subsection (1A)—

(a) omit paragraphs (a), (b), (e) and (f);

(b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;

(c) in paragraph (d)(ii), after “that election” insert “or referendum”.”;

(ii) in the modifications for subsections (2) to (4)—

(aa) for “subsections (2) to (4)” substitute “subsections (2) to (3A)”;

(bb) omit the text of substituted subsection (4);

(iii) after those modifications insert—

“In subsection (3B)—

(a) omit paragraphs (a)(i) and (ii) and (b);

(b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;

(c) in paragraph (a)(iv) and (c)(ii), after “those elections” insert “or referendums”.”;

(b) in Table 3 (Representation of the People Act 2000), in the entry for Schedule 4, in the second column—

(i) in the modifications to paragraphs 2 to 7, 7C and 7D—

(aa) after “3(4)(a)(i),” insert “3(4)(aa), 3(5)(ca),”;

(bb) for “and 7(6)(a)(i)” substitute “, 7(6)(a)(i), 7(6)(aa) and 7(9)(ca)”;

(ii) after the modification for paragraphs 3(4)(a)(i) and 7(6)(a)(i) insert—

“In paragraphs 3(4)(aa), 3(5)(ca), 7(6)(aa) and 7(9)(ca), for “(or both)” substitute “or referendums, or at any combination of such polls”.”;

- (c) in Table 6 (Representation of the People (England and Wales) Regulations 2001)—
- (i) in the entry for regulation 3, in the second column, at the beginning insert—

“In paragraph (1), for the definition of “relevant absent voting application” substitute—

““relevant absent voting application” means an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000 as applied by the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012;””;
  - (ii) in the entry for regulation 4(1)(b), for “Forms E” substitute “Forms E1”;
  - (iii) in the entry for regulation 52, in the second column insert—

“In paragraphs (A1), (1A)(a) and (2), after “local government election” insert “or referendum”.”;
  - (iv) in the entry for regulation 55B, in the first column, for “election” substitute “parliamentary election or local government election in England”;
  - (v) in the entry for regulation 56, in the second column, after the modifications for paragraph (3D) insert—

“In paragraph (3F)(a), after “election” in each place it occurs insert “or referendum”.”;
  - (vi) after the entry for regulation 56A insert—

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“Regulation 56B (verification of information provided in a relevant absent voting application)

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Regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary)

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Regulation 56D (processing of information provided in connection with a relevant absent voting application)”;

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- (vii) in the entry for regulation 57, for the second column substitute—

“In paragraph (3A)(b)—

    - (a) after “election” insert “or referendum”;
    - (b) after “elections” insert “or referendums”.

In paragraph (5) after “election” insert “or referendum”.

In paragraph (7), after “local government election” insert “or referendum”.”;
  - (viii) in the entry for Schedule 3, Form E, in the first column, for “Form E” substitute “Form E1”.
- (6) Schedule 5 (local government finance Act referendums (combination of polls) rules) is amended in accordance with paragraphs (7) and (8).
- (7) In rule 26 (questions to be put to voters and proxies)—
- (a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;

- (b) in the table following paragraph (1)—
- (i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—
- “(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]
- (d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]
- (e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
- (f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
- (ii) omit entry 4;
- (c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.
- (8) In Part 8 (appendix of forms), for the form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding forms in Part 2 of Schedule 7.

#### Commencement Information

**I20** Reg. 16(1)-(4), (5)(a)(ii)(iii), (6)-(8) in force at 31.1.2024, see **reg. 1(3)(c)**

**I21** Reg. 16(5)(a)(i)(b)(c) in force at 31.10.2023, see **reg. 1(2)**

#### Amendment of the Police and Crime Commissioner Elections Order 2012 **U.K.**

- 17.**—(1) The Police and Crime Commissioner Elections Order 2012 is amended as follows.
- (2) In article 2(1) (interpretation), after the definition of “Senedd election” insert—
- ““service declaration” means a declaration made by a person under and in accordance with section 15 of the 1983 Act (service declaration)**(32)**”.
- (3) In article 18 (other voting offences)—
- (a) after paragraph (1) insert—
- “(1A) A person (“P”) is guilty of an offence if P applies for the appointment of a proxy to vote for P—

(32) Section 15 was amended by paragraph 8 of Schedule 1 to the Representation of the People Act 2000 (c. 2); by sections 12(7) and 13(1) of the Electoral Administration Act 2006 (c. 22); by paragraph 15 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6); by section 9(3) of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7); by section 1(5) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6); by section 20(3) of the Senedd and Elections (Wales) Act 2020 (anaw 1) and by S.I. 1995/1948. It is prospectively amended by paragraph 1(4) of Schedule 8 to the Elections Act 2022 (c. 37) from a date and time to be appointed.

- (a) at a PCC election, where P knows that the person to be appointed as a proxy to vote at that election, or at PCC elections, for four or more other electors;
- (b) at a PCC election, where—
  - (i) P is or will be registered in a register of electors otherwise than in pursuance of a service declaration, and
  - (ii) P knows that the person to be appointed is already appointed as a proxy to vote at that election, or at PCC elections, for two or more other electors, none of whom is registered in a register of PCC electors in pursuance of a service declaration.”.
- (b) for paragraph (4) substitute—
  - “(4) A person (“P”) is also guilty of an offence if P votes as a proxy—
    - (a) for more than four electors—
      - (i) at a PCC election;
      - (ii) where the polls for two or more PCC elections are held on the same day, at those elections taken together;
    - (b) for more than two electors—
      - (i) at a PCC election,
      - (ii) where the polls for two or more PCC elections are held on the same day, at those elections taken together,where P knows that more than two of those electors are registered in a register of electors otherwise than in pursuance of a service declaration.”.
- (4) In article 87 (sending of applications and notices: electronic signatures and related certificates), after paragraph (4) insert—
  - “(5) Paragraph (2) does not apply in relation to an application for an absent vote made under Part 1 of Schedule 2, for which the general requirements are set out in paragraph 11 of Part 2 of that Schedule.”.
- (5) In Schedule 2 (absent voting in PCC elections)—
  - (a) in paragraph 3 (application to vote by post or by proxy at a particular PCC election)—
    - (i) in sub-paragraph (4)(a), [<sup>F1</sup>at the end insert “other] than a relevant Welsh elector.”;
    - (ii) in sub-paragraph (5), after “person” in the first place it occurs insert “other than a relevant Welsh elector”;
    - [<sup>F2</sup>(iii) after sub-paragraph (9) insert—
      - “(10) In this paragraph “relevant Welsh elector” means a person who is included in the record mentioned in sub-paragraph (4)(a) only by virtue of an entitlement to vote by post or by proxy at local government elections in Wales.”;]
  - (b) in paragraph 4 (absent voter lists)—
    - (i) in sub-paragraph (2)(a)—
      - (aa) after “persons” insert “other than relevant Welsh electors”;
      - (bb) omit “or (b)”;
    - (ii) in sub-paragraph (3)(a), after “persons” insert “other than relevant Welsh electors”;
    - (iii) after sub-paragraph (5) insert—
      - “(6) In this paragraph, “relevant Welsh elector” has the meaning given in paragraph 3(10).”;

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (c) in paragraph 6 (proxies at PCC elections: entitlement to vote), for sub-paragraph (5) substitute—

“(5) A person—

- (a) is not entitled to vote as proxy at a PCC election on behalf of more than two electors who do not fall within sub-paragraph (6), but
- (b) subject to paragraph (a), is entitled to vote as proxy at a PCC election on behalf of up to four electors.

(6) An elector falls within this sub-paragraph if the elector is registered in the register of electors in pursuance of a service declaration.

(7) Where the polls for two or more PCC elections are held on the same day, references in sub-paragraph (5) to a PCC election are to all of those PCC elections taken together.”;

- [<sup>F3</sup>(ca) in paragraph 7 (voting as proxy)—

- (i) in sub-paragraph (6), in paragraph (a) at the end insert “and is not a relevant Welsh proxy”;
- (ii) in sub-paragraph (7), in paragraph (a), in sub-paragraph (ii) at the end insert “and are not relevant Welsh proxies”;
- (iii) after sub-paragraph (13) insert—

“(14) In this paragraph “relevant Welsh proxy” means a person who is included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 only by virtue of an entitlement to vote by post as proxy at local government elections in Wales.”;

- (d) before paragraph 11 insert—

#### “Interpretation

**10A.** In this Part, “digital service” means the Individual Electoral Registration Digital Service, which is the digital service provided by the Secretary of State for (amongst other purposes) the purpose of processing online applications for absent votes and for verifying information in accordance with paragraph 16B.”;

- (e) in paragraph 11 (general requirements for applications for absent vote)—

- (i) in sub-paragraph (1), after paragraph (a) insert—

“(aa) 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,”;

- (ii) after sub-paragraph (5) insert—

“(5A) Where, by virtue of arrangements made by the Secretary of State, an application for an absent vote under Part 1 may be made through the digital service—

- (a) the Secretary of State may complete the application in part using information provided by the applicant as part of an application, or partially completed application, under section 10ZC or 10ZD of the 1983 Act for registration in, or alteration of, a register of electors made through or completed using the digital service;
- (b) where the application is required to contain a signature, the application must contain a compliant photograph or electronic scan of the applicant’s signature;
- (c) the Secretary of State must—

- (i) request that the applicant provide their most recent previous name (if they have one), and
  - (ii) provide an explanation of the purpose for which the information will be used.
- (5B) In sub-paragraph (5A)(b) “compliant photograph or electronic scan of the applicant’s signature” means—
  - (a) the signature contained in the photograph or electronic scan complies with the requirements of paragraph (a) of sub-paragraph (3), and
  - (b) the photograph or electronic scan of the signature is sufficiently clear and unambiguous so as to comply with the requirements of sub-paragraph (3).”;
- (iii) after sub-paragraph (7) insert—
  - “(8) Where an applicant is unable to provide a national insurance number in accordance with sub-paragraph (1)(aa), the applicant may provide as part of the application a copy of any of the documents listed in paragraph 16C(2) to (4).
  - (9) The Secretary of State must send to the appropriate registration officer—
    - (a) subject to sub-paragraph (10), any application the Secretary of State receives via the digital service,
    - (b) the applicant’s previous name (if any provided),
    - (c) any copy documentation provided by the applicant in accordance with sub-paragraph (8), and
    - (d) a reference number unique to that application.
  - (10) Where an application made through the digital service in accordance with paragraph (5A) includes the applicant’s national insurance number the Secretary of State—
    - (a) may send the registration officer that application without the national insurance number, and
    - (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”;
- (f) in paragraph 14 (additional requirements: applications for the appointment of a proxy in respect of a particular PCC election)—
  - (i) in sub-paragraph (2), omit “together with the person’s family relationship (if any) with P”;
  - (ii) after sub-paragraph (7) insert—
    - “(7A) Where an application under paragraph 3(2) is made after 5pm on the sixth day before the date of the poll at the PCC election for which it is made because the circumstances set out in sub-paragraph (2E) of paragraph 16 apply, the application must (in addition to providing any other information required by this Part) state that it is being made because of those circumstances.
    - (7B) Paragraph 16(5) applies for the purposes of sub-paragraph (7A) as it applies for the purposes of paragraph 16.”;
- (g) in paragraph 14A (additional requirements: applications for the appointment of a proxy on grounds relating to voter identification), in the heading for “relation” substitute “relating”;
- (h) in paragraph 16 (closing date for applications)—

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- (i) in sub-paragraph (2) after paragraph (aa) insert—
  - “(ab) in the circumstances set out in sub-paragraph (2E), or”;
- (ii) after sub-paragraph (2D) insert—
  - “(2E) The circumstances are that the application was—
    - (a) submitted prior to the deadline of 5pm on the sixth day before the date of the poll at the PCC election for which it was made,
    - (b) submitted via the digital service, and
    - (c) not received by the registration officer until after the deadline of 5pm on the sixth day before the date of the poll at the PCC election for which it was made due to a technical defect in the digital service.”;
- (i) after paragraph 16A (grounds relating to voter identification) insert—

**“Verification of information provided in an application for absent vote**

**16B.**—(1) On receipt of an application for an absent vote under Part 1 made otherwise than through the digital service, a registration officer must disclose the applicant’s name or names, 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 sub-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); and
- (b) any other information contained in such types of data which relates to the information disclosed under sub-paragraph (2).

(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 of State 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 application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates.



(6) Sub-paragraph (3) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under sub-paragraph (5)(a) as it applies to the first stage information disclosed under sub-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 of State 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 relevant application for an absent vote, and
- (b) notify the registration officer to whom the application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates, as to whether the comparison in 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 application.

(10) This paragraph does not apply in relation to an application under paragraph 3(2)—

- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the PCC election for which it is made, and
- (b) where paragraph 16(2) or (2C) applies.

(11) In this paragraph—

- (a) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;
- (b) the reference in sub-paragraph (1) to the applicant’s address is a reference to the address contained in the application in accordance with paragraph 11(1)(b).

#### **Power to request additional evidence in relation to absent vote applications where registration officer considers it necessary**

**16C.**—(1) This paragraph applies where, upon receipt of an application for an absent vote under Part 1, a registration officer considers additional evidence is necessary to verify the identity of the applicant.

(2) The registration officer may require that the applicant give them 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;
- (d) the applicant’s electoral identity card issued in Northern Ireland; or
- (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.

(3) Where an applicant is not able to give one of the documents in sub-paragraph (2), the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of—

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- (a) one of the following documents, which, except in relation to sub-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;
    - (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;
    - (vi) the applicant’s driving licence, which is not in the form of a photocard; or
    - (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 paragraph (a) or from sub-paragraph (4).
- (4) Where the applicant is not able to give documents in accordance with sub-paragraph (3), the registration officer may require that the applicant give them 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—
- (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, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- (5) If an applicant is unable to give the documentary evidence required under sub-paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—
- (a) confirm that the applicant is the person named in the application,
  - (b) be in writing and signed by a qualifying attester,
  - (c) state the qualifying attester’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector,
  - (d) state—

- (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the attester's British passport number together with its date and place of issue;
    - (ii) otherwise, the qualifying attester's electoral number,
  - (e) include an explanation as to the qualifying attester's ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester's connection to the applicant and the length of time that that connection has existed,
  - (f) include—
    - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
    - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
  - (g) state the date on which it is made.
- (6) In sub-paragraph (5), a "qualifying attester" is a person—
  - (a) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (b) who is registered as an elector in a local authority area in England or Wales
  - (c) except where the person is registered in pursuance of an overseas elector's declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (d) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the qualifying attester's name appears was last published under section 13(1) of the 1983 Act; or
    - (ii) the date on which a notice specifying the qualifying attester's entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (7) In sub-paragraph (6)(d), a "relevant identity attestation" is an attestation provided in accordance with—
  - (a) sub-paragraph (5);
  - (b) regulation 26B(6) or 56C(6) of the 2001 Regulations;
  - (c) regulation 26B(6) or 56C(6) of the Representation of the People (Scotland) Regulations 2001;
  - (d) regulation 72B(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
  - (e) regulation 7(6) of the Voter Identification Regulations 2022.
- (8) Sub-paragraphs (2) to (6) do not apply where the applicant is registered, or has applied to be registered, in the register of electors in pursuance of the following declarations—
  - (a) a service declaration on the grounds that the applicant is a Crown servant or the spouse or civil partner of a Crown servant;

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- (b) a service declaration on the grounds that the applicant is a member of the forces;  
or
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces.

(9) In the case of an application to which sub-paragraph (8)(a) or (c) applies, the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the forces, who is not the applicant's spouse or civil partner—

- (a) the applicant's passport; or
- (b) the applicant's identity card issued in the European Economic Area.

(10) In the case of an application to which sub-paragraph (8)(b) applies, the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by an officer of the forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve; and
- (d) state the date on which it is made.

(11) In this paragraph—

“Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;

“Crown servant” has the meaning given by regulation 14 of the 2001 Regulations;

“member of the forces” has the same meaning as in section 59(1) of the 1983 Act;

“officer of the forces” means a member of the forces who is an officer.

(12) This paragraph does not apply in relation to an application under paragraph 3(2)—

- (a) which is received by the registration officer after 5pm on the sixth day before the date of the poll at the election for which it is made, and
- (b) where paragraph 16(2) or (2C) applies.

#### **Processing of information provided in connection with an application for an absent vote**

**16D.**—(1) If a person provides an original document under paragraph 16C, the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of an application for an absent vote under Part 1, the registration officer must retain until the application has been determined—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application transmitted to the registration officer by the Secretary of State;
- (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) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but,

if they do so, must delete the applicant's national insurance number from the application form, information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the application.

(4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.

(5) Information disclosed under paragraph 16B must not be disclosed to any other person, except—

- (a) for the purpose of determining the application for an absent vote in connection with which the information was disclosed, or
- (b) for the purpose of any civil or criminal proceedings.

(6) A person who discloses information in breach of sub-paragraph (5) 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, to imprisonment for a term not exceeding the general limit in a magistrates' court, or to a fine (or both).

(7) Any information disclosed under paragraph 16B 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.

(8) In this paragraph, "copy" includes an electronic copy.”;

(j) in paragraph 17 (grant or refusal of applications)—

(i) in sub-paragraph (1), at the end insert “of that decision and the date of the poll of the PCC election for which the applicant may vote by post”;

(ii) after sub-paragraph (4) insert—

“(4A) Sub-paragraphs (4B) to (4E) apply where—

- (a) sub-paragraph (2) of paragraph 12 applies to an application, or would have applied if paragraph (3) of that paragraph were ignored, or
- (b) sub-paragraph (2) of paragraph 13 applies to an application, or would have applied if paragraph (3) of that paragraph were ignored.

(4B) A notification under sub-paragraphs (1) or (4) to one of the following types of applicants must also include a statement that ballot papers will be sent to the postal ballot delivery address—

- (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);
- (c) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act);
- (d) an applicant who has an anonymous entry.

(4C) Where paragraphs (a) to (d) of sub-paragraph (4B) do not apply to the applicant, the registration officer must, in addition to notifying the applicant in accordance with sub-paragraphs (1), (3), (4) or (6), notify the applicant in writing that—

**Status:** Point in time view as at 31/01/2024.

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- (a) the application has been granted, refused or disregarded, and
- (b) where the application has been granted, ballot papers will be sent to the postal ballot delivery address.
- (4D) A notification under sub-paragraph (4C) must be delivered to—
  - (a) where both sub-paragraphs (4)(b) and (4A)(b) apply, the address shown in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000;
  - (b) otherwise—
    - (i) the address stated in the application in accordance with paragraph 11(1)(b), or
    - (ii) the proxy’s address stated in the application in accordance with paragraph 11(1)(c).
- (4E) In sub-paragraphs (4B) and (4C), the “postal ballot delivery address” means—
  - (a) where sub-paragraph (4A)(a) applies, the address stated in the application in accordance with paragraph 11(1)(d);
  - (b) where sub-paragraph (4A)(b) applies, the different address described in paragraph 13(1).”;
- (k) in paragraph 20 (absent voting lists: supply of copies etc), in sub-paragraph (6) after “16(2)” insert “or (2C)”;
- (l) in paragraph 60, for Form 1 (proxy paper) substitute the corresponding form set out in Part 1 of Schedule 8.
- (6) Schedule 3 (rules for the conduct of PCC elections where poll not taken together with poll at another election) is amended in accordance with paragraphs (7) and (8).
- (7) In rule 37 (questions to be put to voters)—
  - (a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;
  - (b) in the table following paragraph (1)—
    - (i) in entries 2 and 3, in the column headed “Questions”, for question (c) substitute—
      - “(c) Have you already voted as proxy at this election or any other police and crime commissioner election for which the day of poll is today, whether here or elsewhere in this police area or in any other police area, on behalf of four or more electors? [R]
      - (d) If the person answers question (c) in the negative: “Have you already voted as a proxy at this election or any other police and crime commissioner election for which the day of poll is today, whether here or elsewhere in this police area or in any other police area, on behalf of two or more electors?” [R]
      - (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other police and crime commissioner election for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
      - (f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;

(ii) omit entry 4.

(8) In rule 70 (forms), for form 11 (official poll card) and form 13 (official proxy poll card) substitute the corresponding forms in Part 2 of Schedule 8.

#### Textual Amendments

- F1** Words in [reg. 17\(5\)\(a\)\(i\)](#) inserted (31.1.2024 immediately before S.I. 2023/1147, [reg. 17\(5\)\(a\)](#) comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(5), [19\(2\)\(a\)\(i\)](#)
- F2** [Reg. 17\(5\)\(a\)\(iii\)](#) substituted (31.1.2024 immediately before S.I. 2023/1147, [reg. 17\(5\)\(a\)](#) comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(5), [19\(2\)\(a\)\(ii\)](#)
- F3** [Reg. 17\(5\)\(ca\)](#) inserted (31.1.2024 immediately before S.I. 2023/1147, [reg. 17\(5\)\(a\)](#) comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(5), [19\(2\)\(b\)](#)

#### Commencement Information

- I22** [Reg. 17\(1\)\(2\)\(3\)\(a\)\(4\)\(5\)\(b\)\(i\)\(bb\)\(d\)-\(l\)](#) in force at 31.10.2023 see [reg. 1\(2\)](#)
- I23** [Reg. 17\(3\)\(b\)\(5\)\(a\)\(b\)\(i\)\(aa\)\(ii\)\(iii\)\(c\)](#), (6)-(8) in force at 31.1.2024, see [reg. 1\(3\)\(d\)](#)

### Amendment of the Neighbourhood Planning (Referendums) Regulations 2012 U.K.

**18.**—(1) The Neighbourhood Planning (Referendums) Regulations 2012(**33**) are amended as follows.

(2) Schedule 3 (neighbourhood planning referendums rules) is amended in accordance with paragraphs (3) and (4).

(3) In rule 25 (questions to be put to voters and proxies)—

- (a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;
- (b) in the table following paragraph (1)—
- (i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—

“(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]

(d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]

(e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(33) [S.I. 2012/2031](#); relevant amending instruments are [S.I. 2014/333](#), [2022/1382](#).

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
- (ii) omit entry 4;
- (c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.
- (4) In Part 8 (appendix of forms), for form 7 (official poll card (to be sent to a voter voting in person)) and form 9 (official proxy poll card (to be sent to an appointed proxy voting in person)) substitute the corresponding forms in Part 1 of Schedule 9.
- (5) In Schedule 4 (application, with modification, of other Acts and subordinate legislation)—
- (a) in Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column—
- (i) after the modifications for subsection (1) insert—
- “In subsection (1A)—
- (a) omit paragraphs (a), (b), (e) and (f);
- (b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;
- (c) in paragraph (d)(ii), after “that election” insert “or referendum”.”;
- (ii) in the modifications for subsections (2) to (4)—
- (aa) for “subsections (2) to (4)” substitute “subsections (2) to (3A)”;
- (bb) omit the text of substituted subsection (4);
- (iii) after those modifications insert—
- “In subsection (3B)—
- (a) omit paragraphs (a)(i) and (ii) and (b);
- (b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;
- (c) in paragraph (a)(iv) and (c)(ii), after “those elections” insert “or referendums”.”;
- (b) in Table 3 (Representation of the People Act 2000), in the entry for Schedule 4, in the second column—
- (i) in the modifications to paragraphs 2 to 7, 7C and 7D—
- (aa) after “3(4)(a)(i),” insert “3(4)(aa), 3(5)(ca),”;
- (bb) for “and 7(6)(a)(i)” substitute “, 7(6)(a)(i), 7(6)(aa) and 7(9)(ca)”;
- (ii) after the modification for paragraphs 3(4)(a)(i) and 7(6)(a)(i) insert—
- “In paragraphs 3(4)(aa), 3(5)(ca), 7(6)(aa) and 7(9)(ca), for “(or both)” substitute “or referendums, or at any combination of such polls”.”;
- (c) in Table 6 (Representation of the People (England and Wales) Regulations 2001)—
- (i) in the entry for regulation 3, in the second column, at the beginning insert—
- “In paragraph (1), for the definition of “relevant absent voting application” substitute—
- ““relevant absent voting application” means an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to



the Representation of the People Act 2000 as applied by the Neighbourhood Planning (Referendums) Regulations 2012;”;

- (ii) in the entry for regulation 4(1)(b), for “Forms E” substitute “Forms E1”;
- (iii) in the entry for regulation 52, in the second column insert—
  - “In paragraphs (A1), (1A)(a) and (2), after “local government election” insert “or referendum”.”;
- (iv) in the entry for regulation 55B, in the first column, for “election” substitute “parliamentary election or local government election in England”;
- (v) in the entry for regulation 56, in the second column, after the modifications for paragraph (3D) insert—
  - “In paragraph (3F)(a), after “election” in each place it occurs insert “or referendum”.”;
- (vi) after the entry for regulation 56A insert—

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“Regulation 56B (verification of information provided in a relevant absent voting application)

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Regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary)

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Regulation 56D (processing of information provided in connection with a relevant absent voting application)”;

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- (vii) in the entry for regulation 57, for the second column substitute—
    - “In paragraph (3A)(b)—
      - (a) after “election” insert “or referendum”;
      - (b) after “elections” insert “or referendums”.
    - In paragraph (5) after “election” insert “or referendum”.
    - In paragraph (7), after “local government election” insert “or referendum”.”;
  - (viii) in the entry for Schedule 3, Form E, in the first column, for “Form E” substitute “Form E1”.
- (6) Schedule 5 (neighbourhood planning referendums (combination of polls) rules) is amended in accordance with paragraphs (7) and (8).
- (7) In rule 25 (questions to be put to voters and proxies)—
- (a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;
  - (b) in the table following paragraph (1)—
    - (i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—
      - “(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]
- (e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
- (f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;

(ii) omit entry 4;

(c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

(8) In Part 8 (appendix of forms), for form 8 (official poll card (to be sent to a voter voting in person)) and form 10 (official proxy poll card (to be sent to an appointed proxy voting in person)) substitute the corresponding forms in Part 2 of Schedule 9.

#### Commencement Information

**I24** Reg. 18(1)-(4), (5)(a)(ii)(iii)(b)(c), (6)-(8) in force at 31.1.2024, see **reg. 1(3)(e)**

**I25** Reg. 18(5)(a)(i)(b)(c) in force at 31.10.2023, see **reg. 1(2)**

#### The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 **U.K.**

**19.**—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 are amended as follows.

(2) In regulation 2 (application), in paragraph (2), after sub-paragraph (ja) insert—

- “(jb) regulation 72A (verification of information provided in an application for absent signing);
- (jc) regulation 72B (power to request additional evidence in relation to absent signing applications where registration officer considers it necessary);
- (jd) regulation 72C (processing of information provided in connection with absent signing applications);
- (je) regulation 73A (notification postal signing entitlement is to end);”.

(3) In regulation 3 (interpretation), in paragraph (1)—

(a) after the definition of “declaration of identity” insert—

““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 absent signing at a particular petition in England, Wales or Scotland and for verifying information in accordance with regulation 72A;”;

(b) for the definition of “overseas elector’s declaration” substitute—

““overseas elector’s declaration” means a declaration made under section 2 of the 1985 Act (registration of British citizens overseas)(34);”.

- (4) In regulation 25 (questions to be put to persons signing the petition)—
- (a) in the table following paragraph (1)—
- (i) in entry 2, in the column headed “Questions”, for question (c) substitute—
- “(c) “Have you already signed this petition as a proxy, whether here or elsewhere in this constituency, on behalf of four or more persons entitled to sign?”
- (d) If the person answers question (c) in the negative: “Have you already signed this petition as a proxy, whether here or elsewhere in this constituency, on behalf of two or more persons entitled to sign?”
- (e) If the person answers question (d) in the affirmative: “Were two or more of the persons on whose behalf you have signed this petition registered in a register of electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?”
- (f) If the person answers question (e) in the affirmative: “Is the person (or are the persons) for whom you are signing today registered in a register of electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?”
- (g) At a petition held in Northern Ireland: “What is your date of birth?””;
- (ii) in entry 3, in the column headed “Questions”, for question (c) substitute—
- “(c) “Have you already signed this petition as a proxy, whether here or elsewhere in this constituency, on behalf of four or more persons entitled to sign?”
- (d) If the person answers question (c) in the negative: “Have you already signed this petition as a proxy, whether here or elsewhere in this constituency, on behalf of two or more persons entitled to sign?”
- (e) If the person answers question (d) in the affirmative: “Were two or more of the persons on whose behalf you have signed this petition registered in a register of electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?”
- (f) If the person answers question (e) in the affirmative: “Is the person (or are the persons) for whom you are signing today registered in a register of electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?””;
- (iii) omit entry 4;
- (b) in paragraph (2), for “3(a) to (c)” substitute “3(a) and (b)”.
- (5) In regulation 50 (entitlement to sign by post or proxy), in paragraph (4)—
- (a) for “for a definite period and that period” substitute “and the period for which the resulting entitlement to vote by post”;
- (b) omit “definite” in the second place it occurs.
- (6) In regulation 51 (absent signing at any petition for a definite or indefinite period: England, Wales and Scotland)—

(34) Section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c. 2). It is prospectively substituted by section 14(1) of the Election Act 2022 (c. 37) from a date and time to be appointed.

- (a) in paragraph (1), omit “(whether for an indefinite period or for a particular period specified in that person’s application)”;
- (b) after paragraph (1) insert—
- “(1A) Any grant of an application under paragraph (1) is to be for—
- (a) the period ending with the third 31st January following the date on which the application is granted, or
- (b) any shorter period specified in the application.
- (1B) But where the person is registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, paragraph (1A) does not apply and instead any grant of an application is to be for—
- (a) the period ending with the date on which, in accordance with section 2(2)(a) of the 1985 Act, the person’s entitlement to remain registered in that register ends, or
- (b) any shorter period specified in the application.”;
- (c) for paragraph (4)(a) substitute—
- “(a) where the applications were to sign the petition—
- (i) by post, the period for which that application was granted;
- (ii) by proxy, whether that was for an indefinite or a particular period (specifying that period);”;
- (d) in paragraph (7), omit “(whether for an indefinite period or for a particular period specified in his application)”;
- (e) after paragraph (7) insert—
- “(7A) The following apply to an application under paragraph (7) as they apply to an application under paragraph (1)—
- (a) where the applicant is registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, paragraph (1B);
- (b) otherwise, paragraph (1A).”;
- (f) in paragraph (9), omit “definite” in both places it occurs.
- (7) In regulation 57 (proxies at petitions)—
- (a) in paragraph (3), before sub-paragraph (a) insert—
- “(za) is not registered in a register of parliamentary electors,”;
- (b) for paragraph (5) substitute—
- “(5) A person—
- (a) is not entitled to sign a petition as proxy on behalf of more than two persons who do not fall within paragraph (5A), but
- (b) subject to sub-paragraph (a), is entitled to sign such a petition on behalf of up to four persons.
- (5A) A person falls within this paragraph if the person is registered in the register in pursuance of an overseas elector’s declaration or as a service voter.”.
- (8) In regulation 58 (signing the petition as a proxy)—
- (a) after paragraph (6) insert—
- “(6A) Any grant of an application under paragraph (5) to sign by post as proxy at recall petitions in England, Wales or Scotland is to be for—

- (a) the period ending with the third 31st January following the date on which the application is granted, or
  - (b) any shorter period specified in the application.”;
- (b) in paragraph (7), for sub-paragraph (a) substitute—
  - “(a) the period for which the applicant may sign recall petitions by post as proxy; and”.
- (9) In regulation 60 (general requirements for applications for absent signing)—
  - (a) in paragraph (1), after sub-paragraph (a) insert—
    - “(aa) 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;”;
  - (b) after paragraph (6) insert—
    - “(6A) Where, by virtue of arrangements made by the Secretary of State, an application under Chapter 1 of this Part for absent signing at a particular petition in England, Wales or Scotland may be made through the digital service—
      - (a) the Secretary of State may complete the application in part using information provided by the applicant as part of an application, or partially completed application, under section 10ZC or 10ZD of the 1983 Act for registration in, or alteration of, a register of electors made through or completed using the digital service;
      - (b) where the application is required to contain a signature, the application must contain a compliant photograph or electronic scan of the applicant’s signature;
      - (c) the Secretary of State must—
        - (i) request that the applicant provide their most recent previous name (if they have one), and
        - (ii) provide an explanation of the purpose for which the information will be used.
    - (6B) In sub-paragraph (6A)(b) “compliant photograph or electronic scan of the applicant’s signature” means—
      - (a) the signature contained in the photograph or electronic scan complies with the requirements of paragraph (a) of sub-paragraph (3), and
      - (b) the photograph or electronic scan of the signature is sufficiently clear and unambiguous so as to comply with the requirements of sub-paragraph (3).
    - (6C) Where an applicant is unable to provide a national insurance number in accordance with paragraph (1)(aa), the applicant may provide as part of the application a copy of any of the documents listed in regulation 72B(2) to (4).
    - (6D) The Secretary of State must send to the appropriate registration officer—
      - (a) subject to paragraph (6E), any application the Secretary of State receives via the digital service,
      - (b) the applicant’s previous name (if any provided),
      - (c) any copy documentation provided by the applicant in accordance with paragraph (6C), and
      - (d) a reference number unique to that application.
    - (6E) Where an application made through the digital service in accordance with paragraph (6A) includes the applicant’s national insurance number the Secretary of State—

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- (a) may send the registration officer that application without the national insurance number, and
  - (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”;
  - (c) in paragraph (7), in sub-paragraph (b), for “(1)(f)” substitute “(1)(aa) and (f)”.
- (10) In regulation 63 (additional requirements for applications for the appointment of a proxy)—
- (a) in paragraph (1), omit “together with that person’s family relationship, if any, with the applicant,”;
  - (b) after paragraph (1) insert—
    - “(1A) An application for the appointment of a proxy under regulation 52 or 54 must also include the date of birth of the person that the applicant wishes to appoint as proxy.”.
- (11) In regulation 68 (additional requirements for applications for a proxy signature in respect of a particular petition: England and Wales and Scotland), after paragraph (6) insert—
- “(6A) Where an application under regulation 53(2) is made after 5pm on the sixth day before the last day of the signing period for the petition for which it is made because the circumstances set out in paragraph (4C)(a) of regulation 71 apply, the application must (in addition to providing any other information required by this Part) state that it is being made because of those circumstances.”.
- (12) In regulation 71 (closing date for applications: England and Wales and Scotland)—
- (a) in paragraph (4A), after “identification” insert “or in the circumstances set out in paragraph (4C)”;
  - (b) after paragraph (4B) insert—
    - “(4C) The circumstances are that—
      - (a) the applicant submitted the application because an earlier application submitted by that applicant under regulation 51(2) or 57(6) is to be disregarded for the purposes of the petition referred to in paragraph (3) because that earlier application was—
        - (i) submitted prior to the deadline of 5pm on the sixth day before the last day of the signing period for the petition referred to in paragraph (3),
        - (ii) submitted via the digital service, and
        - (iii) not received by the registration officer until after the deadline of 5pm on the sixth day before the last day of the signing period for the petition referred to in paragraph (3) due to a technical defect in the digital service,
      - or
      - (b) the application referred to in paragraph (3) meets the conditions specified in paragraphs (i), (ii) and (iii) of sub-paragraph (a).”.
- (13) After regulation 72 (closing date for applications: Northern Ireland) insert—

**“Verification of information provided in an application for absent signing**

**72A.**—(1) On receipt of an application made under Part 4 for absent signing at a particular petition in England, Wales or Scotland made otherwise than through the digital service, a registration officer must disclose the applicant’s name or names, 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); and
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(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 of State 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 application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates.

(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 of State 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 relevant absent voting application, and
- (b) notify the registration officer to whom the application has been made or, in the case of an application made through the digital service, the registration officer appointed for the register to which the application relates, as to whether the comparison in subparagraph (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 application.

(10) This regulation does not apply in relation to an application under Part 4 for absent signing at a particular petition—

*Status: Point in time view as at 31/01/2024.*

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- (a) which is received by the registration officer after 5pm on the sixth day before the last day of the signing period for the petition for which it is made, and
  - (b) where regulation 71(4) or (4A) applies.
- (11) In this regulation—
- (a) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;
  - (b) the reference in paragraph (1) to the applicant’s address is a reference to the address contained in the application in accordance with regulation 60(1)(b).

**Power to request additional evidence in relation to absent signing applications where registration officer considers it necessary**

**72B.**—(1) This regulation applies where, upon receipt of an application under Part 4 for absent signing at a particular petition in England, Wales or Scotland, a registration officer considers additional evidence is necessary to verify the identity of the applicant.

(2) The registration officer may require that the applicant give them 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;
- (d) the applicant’s electoral identity card issued in Northern Ireland; or
- (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.

(3) Where an applicant is not able to give one of the documents in paragraph (2), the registration officer may require that the applicant give them 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;
  - (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;
  - (vi) the applicant’s driving licence, which is not in the form of a photocard; or
  - (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 from paragraph (4).

(4) Where the applicant is not able to give documents in accordance with paragraph (3), the registration officer may require that the applicant give them 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—



- (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, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act.
- (5) Where the applicant is registered, or has applied to be registered, in a register of parliamentary electors in pursuance of an overseas elector’s declaration—
- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;
  - (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies”.
- (6) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—
- (a) confirm that the applicant is the person named in the application,
  - (b) be in writing and signed by a qualifying attester,
  - (c) state the qualifying attester’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector,
  - (d) state—
    - (i) where the qualifying attester is registered in pursuance of an overseas elector’s declaration, the attester’s British passport number together with its date and place of issue;
    - (ii) otherwise—
      - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
      - (bb) in all other cases, the qualifying attester’s electoral number,
  - (e) include an explanation as to the qualifying attester’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed,
  - (f) include—

*Status: Point in time view as at 31/01/2024.*

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- (i) an indication that the qualifying attestor is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attestor that all information provided in the attestation is true, and
  - (g) state the date on which it is made.
- (7) In paragraph (6), a “qualifying attestor” is a person—
- (a) where the applicant is or is to be registered in pursuance of an overseas elector’s declaration, who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is—
    - (i) where the applicant is or is to be registered in pursuance of an overseas elector’s declaration, registered as an elector,
    - (ii) otherwise—
      - (aa) where the applicant is or is to be registered in a local authority area in England or Wales, registered as an elector in a local authority in England or Wales,
      - (bb) where the applicant is or is to be registered in a local authority area in Scotland, registered as an elector in a local authority area in Scotland,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the qualifying attestor’s name appears was last published under section 13(1) of the 1983 Act; or
    - (ii) the date on which a notice specifying the qualifying attestor’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (8) In paragraph (7)(e), a “relevant identity attestation” is an attestation provided in accordance with—
- (a) sub-paragraph (6);
  - (b) regulation 26B(6) or 56C(6) of the 2001 Regulations;
  - (c) regulation 26B(6) or 56C(6) of the Representation of the People (Scotland) Regulations 2001;
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
  - (e) regulation 7(6) of the Voter Identification Regulations 2022.
- (9) Paragraphs (2) to (6) do not apply where the applicant is registered, or has applied to be registered, in the register of electors in pursuance of the following declarations—
- (a) a service declaration on the grounds that the applicant is a Crown servant or the spouse or civil partner of a Crown servant;
  - (b) a service declaration on the grounds that the applicant is a member of the forces; or

- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the forces.

(10) In the case of an application to which paragraph (9)(a) or (c) applies, the registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the forces, who is not the applicant's spouse or civil partner—

- (a) the applicant's passport; or
- (b) the applicant's identity card issued in the European Economic Area.

(11) In the case of an application to which paragraph (9)(b) applies, the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by an officer of the forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and rank of the person signing the attestation and the service (whether naval, military or air forces) in which they serve; and
- (d) state the date on which it is made.

(12) In this regulation—

“Crown Dependency” means the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man;

“Crown servant” has the meaning given by regulation 14 of the 2001 Regulations;

“member of the forces” has the same meaning as in section 59(1) of the 1983 Act;

“officer of the forces” means a member of the forces who is an officer.

(13) This paragraph does not apply in relation to an application under Part 4 for absent signing at a particular petition—

- (a) which is received by the registration officer after 5pm on the sixth day before the last day of the signing period for the petition for which it is made, and
- (b) where regulation 71(4) or (4A) applies.

### **Processing of information provided in connection with absent signing applications**

**72C.**—(1) If a person provides an original document under regulation 72B, the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of an application under Part 4 for absent signing at a particular petition in England, Wales or Scotland, the registration officer must retain until the application has been determined—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application transmitted to the registration officer by the Secretary of State;
- (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) Subject to paragraph (4), the registration officer may retain the application form, information and documents in paragraph (2) after the application has been determined but, if they do so, must delete the applicant's national insurance number from the application form,

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information and documents in paragraph (2) by no later than the date which is 13 months from the date on which the registration officer determined the application for absent signing.

(4) The requirement to delete the national insurance number in paragraph (3) does not apply where the application, information and documents in paragraph (2) are required for the purpose of any civil or criminal proceedings.

(5) Information disclosed under regulation 72A must not be disclosed to any other person, except—

- (a) for the purpose of determining the application for absent signing in connection with which the information was disclosed, or
- (b) for the purpose of any civil or criminal proceedings.

(6) A person who discloses information in breach of paragraph (5) 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).

(7) Any information disclosed under regulation 72A 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.

(8) In this regulation, “copy” includes an electronic copy.”.

(14) In regulation 73 (grant or refusal of applications)—

(a) for paragraph (1) substitute—

“(1) Where the registration officer grants an application to sign the petition by post, the registration officer must notify the applicant of—

- (a) that decision,
- (b) where the entitlement to sign by post is for a particular petition, the date on which the signing period for that petition ends, and
- (c) where the application relates to the signing of a petition or petitions in England, Wales or Scotland and the entitlement to sign by post is for a particular period, the date on which the entitlement ends.”;

(b) after paragraph (8) insert—

“(9) Paragraphs (10) to (12) apply where—

- (a) regulation 61 applies to an application to sign by post, or would have applied if paragraph (3) of that regulation were ignored, or
- (b) regulation 62 applies to such an application, or would have applied if paragraph (3) of that regulation were ignored.

(10) A notification under paragraph (1) or (4) to one of the following types of applicants must also include a statement that a signing sheet will be sent to the signing sheet delivery address—

- (a) an applicant registered in pursuance of an overseas elector's declaration;

- (b) an applicant registered in pursuance of a service declaration;
  - (c) an applicant registered in pursuance of a declaration of local connection (within the meaning of section 7B of the 1983 Act);
  - (d) an applicant who is a merchant seaman (within the meaning of section 6 of the 1983 Act);
  - (e) an applicant who has an anonymous entry.
- (11) Where sub-paragraphs (a) to (e) of paragraph (10) do not apply to the applicant, the registration officer must, in addition to notifying the applicant in accordance with paragraphs (1), (3), (4) or (7), notify the applicant in writing that—
- (a) the application has been granted, refused or disregarded, and
  - (b) where the application has been granted, that a signing sheet will be sent to the signing sheet delivery address.
- (12) A notification under paragraph (11) must be delivered to—
- (a) where paragraph (9)(b) applies and the notification is to be delivered to—
    - (i) a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4 or section 9(6) of the 1985 Act<sup>(35)</sup>, or
    - (ii) a person shown as signing by post in the record kept under regulation 58(7),the address shown in that record;
  - (b) otherwise—
    - (i) the address stated in the application in accordance with regulation 60(1)(b), or
    - (ii) the proxy's address stated in the application in accordance with regulation 60(1)(c).
- (13) In paragraphs (10) and (11), the “signing sheet delivery address” means—
- (a) where paragraph (9)(a) applies, the address stated in the application in accordance with regulation 60(1)(d);
  - (b) where paragraph (9)(b) applies, the different address described in regulation 62(2).”.
- (15) After regulation 73 insert—

**“Notification postal signing entitlement is to end**

**73A.—**(1) This regulation applies in respect of a person who remains entitled to sign petitions held in England, Wales or Scotland by virtue of a postal signing entitlement which was granted for the maximum period (“the relevant person”).

(2) The registration officer must, before the end of the maximum period, send to the relevant person—

- (a) a notice informing the person of the date on which the person's entitlement to sign by post is to end, and
- (b) information about how to make a fresh application to sign by post (as a person on the person's own behalf or, as the case may be, as proxy).

(3) In this regulation—

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<sup>(35)</sup> Section 9 was repealed, in relation to England, Wales and Scotland, by section 12(2) of the Representation of the People Act 2000 (c. 2). Subsection (6) was amended by paragraph 17(5) of Schedule 6 to the Representation of the People Act 2000.

“maximum period” means the period described in regulation 51(1A)(a) or (1B)(a) or 58(6A)(a);

“postal signing entitlement” means an entitlement to sign by post at recall petitions resulting from the grant of an application under regulation 51(1) or (7) or 58(5).”.

(16) In regulation 119 (other signing offences)—

(a) after paragraph (1) insert—

“(1A) A person (“P”) is guilty of an offence if P applies for the appointment of a proxy to sign a petition for P—

(a) where P knows that the person to be appointed is already appointed as proxy to sign that petition for four or more other persons;

(b) where—

(i) P is or will be registered in the register otherwise than in pursuance of an overseas electors declaration or as a service voter; and

(ii) P knows that the person to be appointed is already appointed as proxy to sign that petition, or petitions, for two or more other persons none of whom is registered in the register in pursuance of an overseas elector’s declaration or as a service voter;

(c) where P knows that the person to be appointed is already appointed as proxy to sign a petition or petitions for four or more other persons;

(d) where—

(i) P is or will be registered in the register otherwise than in pursuance of an overseas electors declaration or as a service voter; and

(ii) P knows that the person to be appointed is already appointed to sign a petition or petitions, for two or more other persons none of whom is registered in the register in pursuance of an overseas elector’s declaration or as a service voter.”;

(b) for paragraph (4) substitute—

“(4) A person (“P”) is guilty of an offence if P signs a petition as proxy—

(a) for more than four persons, or

(b) for more than two persons where P knows that more than two of those persons are registered in the register otherwise than in pursuance of an overseas elector’s declaration or as a service voter.”.

(17) In regulation 143 (electronic signatures and related certificates), for paragraph (4) substitute—

“(4) This regulation does not apply—

(a) in relation to an application made under Part 4 for absent signing at a particular petition in England, Wales or Scotland, for which the general requirements are set out in regulation 60, or

(b) to the provision of signatures under regulation 27 (signing procedure: England and Wales and Scotland) or regulation 28 (signing procedure: Northern Ireland) which must be given by hand.”.

(18) In Schedule 2 (forms)—

(a) in Part 1 (United Kingdom), for Form D (official petition notice for an elector who may sign the petition in person), Form F (official petition notice for a proxy who may sign the

petition in person) and Form J (proxy paper) substitute the corresponding forms in Part 1 of Schedule 10;

- (b) in Part 3 (Northern Ireland), for Form D (official petition notice for an elector who may sign the petition in person), Form F (official petition notice for a proxy who may sign the petition in person) and Form J (proxy paper) substitute the corresponding forms in Part 2 of Schedule 10.

#### Commencement Information

**I26** Reg. 19(1)-(3)(7)(a)(8)-(15)(16)(a)(17) in force at 31.10.2023, see [reg. 1\(2\)](#)

**I27** [Reg. 19\(18\)](#) in force at 31.10.2023 for specified purposes and otherwise 31.1.2024, see [reg. 1\(2\)\(3\)\(f\)](#)

**I28** [Reg. 19\(4\)\(7\)\(b\)\(16\)\(b\)](#) in force at 31.1.2024, see [reg. 1\(3\)\(f\)](#)

#### Amendment of the Combined Authorities (Mayoral Elections) Order 2017 **U.K.**

**20.**—(1) The Combined Authorities (Mayoral Elections) Order 2017<sup>(36)</sup> is amended as follows.

(2) Schedule 1 (combined authority mayoral elections rules) is amended in accordance with paragraphs (3) and (4).

(3) In rule 35 (questions to be put to voters)—

- (a) in paragraph (1)(b), after “put if” insert “(where applicable) the person has answered the previous question in the manner indicated, and”;

(b) in the table following paragraph (1)—

(i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—

“(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of four or more electors? [R]

(d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of two or more electors?” [R]

(e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;

(ii) omit entry 4;

(c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

(4) In Part 9 (appendix of forms), for Form 8 (elector’s official poll card) and Form 10 (official proxy poll card) substitute the corresponding forms in Part 1 of Schedule 11.

<sup>(36)</sup> [S.I. 2017/67](#), amended by [S.I. 2022/1382](#); there are other amending instruments but none is relevant.

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)*

- (5) In Schedule 2 (modifications of Acts and statutory instrument), in paragraph 1 (the Representation of the People Act 1983), in sub-paragraph (15)—
- (a) in paragraph (b), the inserted subsection (3B) is renumbered as subsection (3AA);
  - (b) in paragraph (ba), for “(3B)” substitute “(3AA)”.
- (6) Schedule 3 (combined authority mayoral elections (combination of polls) rules) is amended in accordance with paragraphs (7) and (8).
- (7) In rule 35 (questions to be put to voters)—
- (a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;
  - (b) in the table following paragraph (1)—
    - (i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—
      - “(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of four or more electors? [R]
      - (d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this election or any other election or referendum for which the day of poll is today, whether here or elsewhere in this electoral area or anywhere else in England, on behalf of two or more electors?” [R]
      - (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
      - (f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
    - (ii) omit entry 4;
  - (c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.
- (8) In Part 9 (appendix of forms), for Form 8 (elector’s official poll card) and Form 10 (official proxy poll card) substitute the corresponding forms in Part 2 of Schedule 11.

#### Commencement Information

**I29** Reg. 20 in force at 31.1.2024, see [reg. 1\(3\)\(g\)](#)

#### Amendment of the Police and Crime Commissioner Elections (Welsh Forms) Order 2021

**U.K.**

- 21.** In the Police and Crime Commissioner Elections (Welsh Forms) Order 2021—
- (a) 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 12;



- (b) in Schedule 3 (Welsh and English versions of prescribed forms), for Form 1 (proxy paper), Form 11 (official poll card) and Form 13 (official proxy poll card) substitute the corresponding forms set out in Part 2 of Schedule 12.

**Commencement Information**

**I30** Reg. 21 in force at 31.10.2023 for specified purposes and otherwise 31.1.2024, see reg. 1(2)(3)(h)

**Amendment of the Voter Identification Regulations 2022** **U.K.**

**22.**—(1) The Voter Identification Regulations 2022 are amended as follows.

(2) In regulation 5 (identity document applications made through the digital service)—

- (a) in paragraph (3), after “receives” insert “, subject to paragraph (4),”;
- (b) after paragraph (3) insert—

“(4) Where an application made through the digital service includes the applicant’s national insurance number the Secretary of State—

- (a) may send the registration officer that application without the national insurance number, and
- (b) where the Secretary of State does so, must indicate to the registration officer that a national insurance number was included when the application was made by the applicant.”.

(3) In regulation 6 (verification of information provided in an identity document application), in paragraphs (4) and (7), after “Secretary” in the second place it occurs insert “of State”.

(4) In regulation 7 (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary)—

- (a) in paragraph (7)(d), for “attestations under this regulation” substitute “a relevant identity attestation”;
- (b) after paragraph (7) insert—

“(7A) In paragraph (7)(d), a relevant identity attestation is an attestation provided in accordance with—

- (a) paragraph (6);
- (b) regulation 26B(6) or 56C(6) of the Representation of the People (England and Wales) Regulations 2001;
- (c) regulation 26B(6) or 56C(6) of the Representation of the People (Scotland) Regulations 2001;
- (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
- (e) regulation 72B(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016.”.

(5) In regulation 14 (processing of information provided in connection with an identity document application), in paragraph (2)(a), after “application” in the third place it occurs insert “transmitted to the registration officer by the Secretary of State”.

**Commencement Information**

**I31** Reg. 22 in force at 31.10.2023, see reg. 1(2)

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**Status:** Point in time view as at 31/01/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023. (See end of Document for details)

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Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

*Jacob Young*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

25th October 2023

**Status:**

Point in time view as at 31/01/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.