
STATUTORY INSTRUMENTS

2023 No. 1150

The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023

PART 1

Introduction

Citation, commencement, extent and savings

1.—(1) These Regulations may be cited as the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023.

(2) This regulation and regulation 38(3) come into force on the day after the day on which they are made, and the remainder of these Regulations comes into force on 7th May 2024.

(3) These Regulations extend to England and Wales.

(4) The amendments made by—

(a) regulations 32(a) and 35 do not apply to an application under section 10ZC(1)(a) of the 1983 Act made before 7th May 2024;

(b) regulation 38(3) do not apply to a business referendum for which the date of poll, as stated in the notice published in accordance with rule 6 of Schedule 7 to the Neighbourhood Planning (Referendums) Regulations 2012(1), is on or before 6th May 2024.

Commencement Information

II Reg. 1 in force at 26.10.2023, see [reg. 1\(2\)](#)

Interpretation

2. In these Regulations—

“1983 Act” means the Representation of the People Act 1983;

“2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(2);

“2011 Act” means the Police Reform and Social Responsibility Act 2011;

“2012 Order” means the Police and Crime Commissioner Elections Order 2012(3);

(1) [S.I. 2012/2031](#); relevant amending instruments are [S.I. 2013/798](#), [2014/333](#).

(2) [S.I. 2001/341](#); relevant amendments are those made by paragraph 254 of Schedule 19 to the Data Protection Act 2018 (c. 12), by section 16(2) to (4) and 22(3) of the Senedd and Elections (Wales) Act 2020 (anaw 1) and by paragraph 16(3) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1) and relevant amending instruments are [S.I. 2006/2910](#), [2013/3198](#), [2015/1971](#), [2016/694](#), [2018/272](#), [312](#), [644](#), [1310](#), [2020/50](#), [2021/1265](#).

(3) [S.I. 2012/1917](#); relevant amending instruments are [S.I. 2014/921](#), [2018/272](#), [2022/1382](#).

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

“PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011(4);

“PCC elections rules” means the rules set out at Parts 1 to 7 of Schedule 3 to the 2012 Order.

Commencement Information

I2 [Reg. 2](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

PART 2

Review of registration entitlement of relevant citizens of the Union in England and of eligibility of relevant citizens of the Union to vote in PCC elections in Wales

CHAPTER 1

Interpretation

Interpretation

3. In this Part—

“eligibility criteria” means the criteria for eligibility to vote set out in section 52(1C) of the 2011 Act(5);

[^{F1}“notice of alteration” means a notice under section 13A(2), 13AB(2), 13B(3), (3B) or (3D) or 13BC(3) or (6) of the 1983 Act;]

“registration criteria” means the criteria for registration set out in section 4(3)(c) of the 1983 Act(6);

“relevant citizen of the Union” has the same meaning as in section 202(1) of the 1983 Act(7);

“relevant person” means a person who—

- (a) is a relevant citizen of the Union, and
- (b) either—
 - (i) on the coming into force of this Part—
 - (aa) is registered in a register of local government electors in England [^{F2}or Wales], or
 - (bb) the registration officer is required to enter the applicant in such a register in accordance with section 10ZC(1) of the 1983 Act, or
 - (ii) has submitted an application under section 10ZC of the 1983 Act before the coming into force of this Part, and that application is granted on or after the coming into force of this Part.

(4) Chapter 6 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), by section 122(1) of, and by paragraphs 86 and 90 of Schedule 1, paragraph 117 of Schedule 2 and paragraph 73(1) and (2) of Schedule 9 to, the Policing and Crime Act 2017 (c. 3), by section 8 of the Wales Act 2017 (c. 4), by paragraph 5 of Schedule 1 to the Local Government (Democracy) (Wales) Act 2013 (anaw 4), by paragraph 16 of Schedule 5 to the Local Government and Elections (Wales) Act 2021, by paragraph 6 of Schedule 8 to the Elections Act 2022, and by S.I. 2014/468, 2015/1376, 1526, 2017/470, 2018/1310, 2021/1265.

(5) Section 52 was amended by section 8(8) of the Wales Act 2017 (c. 4) and by paragraph 6(3) of Schedule 8 to the Elections Act 2022 (c. 37).

(6) Section 4 was amended by paragraph 1 of Schedule 8 to the Elections Act 2022.

(7) The definition of “relevant citizen of the Union” was inserted by S.I. 1995/1948.

Textual Amendments

- F1** Words in [reg. 3](#) inserted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(4), **16(2)(a)**
- F2** Words in [reg. 3](#) inserted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(4), **16(2)(b)**

Commencement Information

- I3** [Reg. 3](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

Meaning of “address” in specified circumstances

- 4.—(1)** This regulation applies where a relevant person is registered pursuant to—
- (a) a declaration of local connection under section 7B of the 1983 Act(**8**),
 - (b) an application for anonymous entry under section 9B of the 1983 Act(**9**), or
 - (c) a service declaration(**10**).
- (2)** Where this regulation applies, references in this Part to the relevant person’s address are to—
- (a) for a person who has made a declaration of local connection, the address stated by the person in that declaration pursuant to section 7B(3)(a)(i) of the 1983 Act, or the address of the registration officer’s office (as the case may be);
 - (b) for a person who is registered pursuant to an application for anonymous entry, the address given pursuant to regulation 26(1)(b) or 31G(6) of the 2001 Regulations (as the case may be);
 - (c) for a person who is registered pursuant to a service declaration, the person’s correspondence address or British Forces Post Office Number.

Commencement Information

- I4** [Reg. 4](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

CHAPTER 2

Review of registration entitlement of relevant citizens of the Union in England

Duty to determine whether relevant citizens of the Union continue to satisfy the registration criteria

5.—(1) A registration officer appointed for an area in England must determine in accordance with regulations [6](#) to [13](#) whether a relevant person in the registration officer’s area continues to satisfy the registration criteria.

- (8)** 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 19 of the Senedd and Elections (Wales) Act 2020, by paragraph 2(2) of Schedule 2 to the Local Government and Elections (Wales) Act 2021, by paragraph 1(3) of Schedule 8 to the Elections Act 2022 and by [S.I. 2007/1388](#).
- (9)** Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and was amended by paragraph 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).
- (10)** See section 202(1) of the 1983 Act for the meaning of “service declaration”.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

(2) Subject to paragraphs (3) and (4), a registration officer must make the determination specified in paragraph (1) by the end of 31st January 2025.

(3) Paragraph (2) does not apply where at the end of 31st January 2025—

- (a) the registration officer has requested information from a relevant person under regulation 10, and the date for response specified in that request has not yet passed,
- (b) the 14 day period within which the relevant person may request a review hearing, following notification from the registration officer pursuant to regulation 12, has not yet passed, or
- (c) the relevant person has requested a hearing pursuant to regulation 12(2)(d), and
 - (i) the review has not yet been heard, or
 - (ii) the review has been heard but the subject of the review has not been notified of the outcome of the review,

and in consequence the registration officer has not made a determination.

(4) Where paragraph (3) applies, the registration officer must make the determination specified in paragraph (1) as soon as reasonably practicable after 31st January 2025.

(5) Nothing in this Chapter prevents a registration officer from reviewing the eligibility of a relevant person to be or to remain registered in accordance with section 10ZE of the 1983 Act for reasons other than that they are a relevant person.

Commencement Information

I5 Reg. 5 in force at 7.5.2024, see [reg. 1\(2\)](#)

Procedure for reviewing entitlement to registration – data-based review

6.—(1) A registration officer appointed for an area in England must conduct a review in respect of a relevant person, to determine whether that person continues to satisfy the registration criteria.

(2) As part of a review under paragraph (1), the registration officer may consider (amongst other things) any information provided in accordance with regulation 26(1)(fa) of the 2001 Regulations⁽¹¹⁾ as part of an application received from a relevant person pursuant to section 10ZC(1) (a) of the 1983 Act.

Commencement Information

I6 Reg. 6 in force at 7.5.2024, see [reg. 1\(2\)](#)

Procedure for reviewing entitlement to registration – correspondence-based review

7.—(1) Subject to paragraph (2), where a registration officer is not satisfied following a review under regulation 6 that a relevant person continues to satisfy the registration criteria, the registration officer must—

- (a) give notice to that person containing information specified at paragraph (3) (a “first review notice”), and
- (b) enter the review in the list kept pursuant to regulation 31E of the 2001 Regulations.

(2) Where the relevant person is registered pursuant to—

- (a) a declaration of local connection under section 7B of the 1983 Act,

⁽¹¹⁾ Sub-paragraph (fa) is inserted by regulation 32(a) of this instrument.

- (b) an application for anonymous entry under section 9B of the 1983 Act, or
- (c) a service declaration,

and the date on which the relevant person's entitlement to remain registered under (as the case may be) section 7C, 9C or 15 of the 1983 Act(12) expires is before the end of 31st January 2025, paragraph (1) is to be read as if for "must" there were substituted "may".

- (3) A first review notice must—
 - (a) explain that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed,
 - (b) state that the registration officer is not certain that the relevant person remains entitled to be registered, and the grounds for the registration officer's opinion,
 - (c) require that the relevant person provide such further information as specified in the notice relating to whether that person meets the registration criteria,
 - (d) provide information on how the relevant person may respond to the request for information, and
 - (e) state that it is an offence to provide false information to the registration officer, and the maximum penalty for that offence.

- (4) Paragraph (5) applies where—
 - (a) the registration officer sends a first review notice to a relevant person, and
 - (b) that person does not respond within a reasonable time from the date on which that notice is sent.

(5) Where this paragraph applies, the registration officer must give a further notice to the relevant person, setting out the same information as at paragraph (3) (a "second review notice").

(6) Subject to paragraph (7), a first or second review notice may be given to a relevant person either—

- (a) by sending it to the person's address, or
- (b) by electronic means.

(7) Where the first review notice was given to a relevant person by electronic means, the second review notice must be sent to the person's address.

(8) The registration officer may contact the relevant person, either by telephone or by visiting the address to which a first or second review notice was delivered, to—

- (a) obtain information requested in the notice, or
- (b) encourage the relevant person to provide the information requested.

Commencement Information

17 [Reg. 7](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

(12) Section 7C was inserted by section 6 of the Representation of the People Act 2000 (c. 2) and amended by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by section 12 of the Electoral Administration Act 2006 (c. 22), and by paragraph 4 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 and amended by paragraph 8 of Schedule 4 to the Electoral Registration and Administration Act 2013. Section 15 was amended by paragraph 8 of Schedule 1 to the Representation of the People Act 2000; by sections 12(7) and 13(1) of the Electoral Administration Act 2006; by paragraph 15 of Schedule 4 to the Electoral Registration and Administration Act 2013; by section 20(3) of the Senedd and Elections (Wales) Act 2020 (anaw 1), by paragraph 1(4) of Schedule 8 to the Elections Act 2022 (c. 37) and by S.I. 1995/1948.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

Notification of possible removal in the event of non-response

8.—(1) This regulation applies where—

- (a) the registration officer has given first and second review notices to a relevant person, and
- (b) the relevant person has not responded within a reasonable time from the date of the second review notice.

(2) Where this regulation applies, the registration officer must send a notice to the relevant person (a “notification of possible removal”) which must—

- (a) include the information set out in regulation 7(3),
- (b) state the date of issue of the notice, and
- (c) state that if within 14 days beginning with the date of issue the registration officer has not received the information requested—
 - (i) the registration officer may determine the review and remove the person’s entry from the register, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

(3) A notification of possible removal must be delivered to the relevant person by paper communication to the person’s address, accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.

Commencement Information

I8 Reg. 8 in force at 7.5.2024, see reg. 1(2)

Requirement to attempt personal contact with relevant person

9.—(1) This regulation applies where—

- (a) a registration officer has issued a notification of possible removal to a relevant person,
- (b) the relevant person is not registered pursuant to—
 - (i) a declaration of local connection under section 7B of the 1983 Act,
 - (ii) an application for anonymous entry under section 9B of the 1983 Act, or
 - (iii) a service declaration,
- (c) the relevant person has not responded to the notification of possible removal, and
- (d) the registration officer has not previously attempted to contact the relevant person by telephone or by visiting the address.

(2) Where this regulation applies, within 7 days beginning with the date of issue of the notification of possible removal, the registration officer must attempt to contact the relevant person, either by telephone or by visiting the address, to—

- (a) obtain information requested in the notification, or
- (b) encourage the relevant person to provide the information requested.

(3) Where this regulation applies, a registration officer must not determine that the relevant person has ceased to satisfy the registration criteria before the registration officer has attempted to contact the relevant person in accordance with paragraph (2).

(4) In this regulation, the “address” means the address to which the first or second review notice under regulation 7(1) or (5) was delivered.

Commencement Information

19 Reg. 9 in force at 7.5.2024, see reg. 1(2)

Request for further information

10.—(1) The registration officer may request further information from a relevant person, including information that may be requested of an applicant for registration under regulation 26B(10A) to 26B(10C), and regulation 26BB, of the 2001 Regulations(**13**), where—

- (a) the registration officer has sent a first or second review notice or notification of possible removal to the relevant person, and
- (b) the relevant person has responded but the registration officer considers further information is necessary for the officer to be satisfied that the relevant person satisfies the registration criteria.

(2) A request for further information pursuant to paragraph (1) may be given to the relevant person by sending it to the person’s address, or by electronic means, and must state that if by a specified date that is a reasonable time after the request was issued the registration officer has not received the information requested—

- (a) the registration officer may determine the review and remove the person’s entry from the register, and
- (b) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

Commencement Information

110 Reg. 10 in force at 7.5.2024, see reg. 1(2)

Confirmation of continued registration following review

11.—(1) Where, in accordance with this Chapter, a registration officer determines that the relevant person continues to satisfy the registration criteria, the registration officer must—

- (a) send a confirmation notice to that person in accordance with paragraph (2), and
- (b) mark that person’s name in accordance with regulation 42(3C) of the 2001 Regulations(**14**).

(2) A confirmation notice under paragraph (1) must—

- (a) be sent to the person’s address, or by electronic means,
- (b) state that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed, and
- (c) state that the registration officer has determined that the relevant person continues to satisfy those criteria.

[^{F3}(3) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (1).]

(13) Paragraphs (10A) to (10C) are inserted by regulation 33 of this instrument; regulation 26BB is inserted by regulation 34 of this instrument.

(14) Paragraph (3C) is inserted by regulation 35(b) of this instrument.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

Textual Amendments

- F3** Reg. 11(3) inserted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(4), 16(3)

Commencement Information

- I11** Reg. 11 in force at 7.5.2024, see reg. 1(2)

Procedure for removal following response to communications

12.—(1) This regulation applies where—

- (a) a relevant person has responded to a notice, notification or request under regulations 7 to 10 or has provided requested information in response to the registration officer making contact with that person, and
- (b) the registration officer is not satisfied that the relevant person continues to satisfy the registration criteria.

(2) The registration officer must send a notice to the relevant person’s address, which must—

- (a) state the date of issue of the notice,
- (b) advise that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed,
- (c) state that the registration officer is of the opinion that the relevant person has ceased to satisfy the registration criteria, and the grounds for the registration officer’s opinion,
- (d) state that if the relevant person does not notify the registration officer within 14 days beginning with the date of issue that the relevant person requires the review to be heard—
 - (i) the registration officer may determine the review and remove the relevant person’s entry from the register, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances, and
- (e) state that after 14 days beginning with the date of issue, the relevant person can contact the registration officer to find out if the registration officer has removed the relevant person’s entry from the register.

(3) The relevant person is entitled to require the review to be heard by notifying the registration officer within 14 days beginning with the date of issue of the notice sent under paragraph (2), and where the relevant person does so the following provisions of the 2001 Regulations apply—

- (a) regulation 31F(2) to (7), and
- (b) regulation 31FZA(1), which applies as if the reference to regulation 31D(2) were a reference to a notice under paragraph (2).

(4) Where—

- (a) the registration officer has delivered the notice under paragraph (2), and
- (b) the relevant person has not requested a hearing within 14 days beginning with the date of issue of the notice,

the registration officer may determine that the relevant person has ceased to satisfy the registration criteria and, if so, remove the relevant person’s entry from the register.

[^{F4}(5) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (4).]

Textual Amendments

F4 Reg. 12(5) inserted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(4), **16(4)**

Commencement Information

I12 Reg. 12 in force at 7.5.2024, see [reg. 1\(2\)](#)

Confirmation of ceased registration following non-response to communications

- 13.**—(1) This regulation applies where a relevant person does not respond—
- (a) to a notification of possible removal, within the period of 14 days beginning with the date of issue of that notification, or
 - (b) to a request for further information following a notification of possible removal, by the specified date in that request.
- (2) Where this regulation applies—
- (a) the registration officer may determine that the relevant person has ceased to satisfy the registration criteria, and
 - (b) if the registration officer does so, the registration officer must—
 - (i) send a notification to the relevant person’s address, containing the information set out in paragraph (3), and
 - (ii) remove the relevant person’s entry from the register.
- (3) A notification under paragraph (2) must—
- (a) advise that the criteria under section 4 of the 1983 Act by which a citizen of a member State is eligible to be registered in the register of local government electors have changed,
 - (b) state that the registration officer has determined that the relevant person does not satisfy those criteria, and the registration officer’s reasoning for that determination,
 - (c) state that there is no right of appeal against that determination,
 - (d) state that the relevant person may apply to register again if they consider they are eligible to do so, and
 - (e) be accompanied by an electoral registration application form under regulation 26(3) of the 2001 Regulations and by a pre-addressed reply envelope the postage of which has been pre-paid.

[^{F5}(4) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (2)(a).]

Textual Amendments

F5 Reg. 13(4) inserted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(4), **16(5)**

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Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

Commencement Information

I13 Reg. 13 in force at 7.5.2024, see [reg. 1\(2\)](#)

CHAPTER 3

Review of eligibility of relevant citizens of the Union to vote in a PCC election in Wales

Duty to determine whether relevant citizens of the Union continue to satisfy eligibility criteria

14.—(1) A registration officer appointed for an area in Wales must determine in accordance with this Chapter whether a relevant person continues to satisfy the eligibility criteria.

(2) Subject to paragraph (3), a registration officer must make the determination specified in paragraph (1) by the end of 31st January 2025.

(3) Paragraph (2) does not apply when at the end of 31st January 2025—

- (a) a registration officer has requested information from a relevant person under regulation 19(1), and the date for response specified in that request has not yet passed, or
- (b) the 14 day period within which the relevant person may request a review hearing, following notification from the registration officer pursuant to regulation 21(2), has not yet passed,
- (c) the relevant person has requested a hearing pursuant to regulation 21(2)(e), and
 - (i) the review has not been heard, or
 - (ii) the review has been heard but the subject of the review has not been notified of the outcome of the review,

and in consequence the registration officer has not made a determination.

(4) Where paragraph (3) applies, the registration officer must discharge the functions specified in paragraph (1) as soon as reasonably practicable after 31st January 2025.

Commencement Information

I14 Reg. 14 in force at 7.5.2024, see [reg. 1\(2\)](#)

Procedure for reviewing eligibility to vote in a PCC election – data-based review

15.—(1) A registration officer in Wales must conduct a review in respect of a relevant person, to determine whether that person continues to satisfy the eligibility criteria.

(2) As part of a review under paragraph (1), the registration officer may consider (amongst other things) any information provided in accordance with regulation 26(1)(fa) of the 2001 Regulations as part of an application received from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act.

Commencement Information

I15 Reg. 15 in force at 7.5.2024, see [reg. 1\(2\)](#)

Procedure for reviewing eligibility to vote in a PCC election – correspondence-based review

16.—(1) Subject to paragraph (2), where a registration officer is not satisfied following a review under regulation 15(1) that the relevant person continues to satisfy the eligibility criteria, the registration officer must—

- (a) give notice to that person containing information specified at paragraph (2) (a “first review notice”), and
 - (b) enter the review in the list kept pursuant to regulation 31E of the 2001 Regulations.
- (2) Where the relevant person is registered pursuant to an application for anonymous entry under section 9B of the 1983 Act and the date on which the relevant person’s entitlement to remain registered under section 9C of the 1983 Act expires is before the end of 31st January 2025, paragraph (1) is to be read as if for “must” there were substituted “may”.
- (3) A first review notice must—
- (a) explain that the criteria under section 52 of the 2011 Act by which a citizen of a member State is eligible to vote in a PCC election have changed,
 - (b) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
 - (c) state that the registration officer is not certain that the relevant person remains eligible to vote in a PCC election, and the grounds for the registration officer’s opinion,
 - (d) require that the relevant person provide such further information as specified in the notice relating to whether that person meets the eligibility criteria,
 - (e) provide information on how the relevant person may respond to the request for information, and
 - (f) state that it is an offence to provide false information to the registration officer, and the maximum penalty for that offence.
- (4) Paragraph (5) applies where—
- (a) the registration officer sends to a relevant person a first review notice, and
 - (b) that person does not respond within a reasonable time from the date on which that notice is sent.
- (5) Where this paragraph applies, the registration officer must give a further notice to the relevant person, setting out the same information as at paragraph (2) (a “second review notice”).
- (6) Subject to paragraph (7), a first or second review notice may be given to a relevant person either—
- (a) by sending it to the person’s address, or
 - (b) by electronic means.
- (7) Where the first review notice was given to a relevant person by electronic means, the second review notice must be sent to the person’s address.
- (8) The registration officer may contact the relevant person, either by telephone or by visiting the address to which a first or second review notice was delivered, to—
- (a) obtain information requested in the notice, or
 - (b) encourage the relevant person to provide the information requested.

Commencement Information

I16 Reg. 16 in force at 7.5.2024, see **reg. 1(2)**

Notification of possible ineligibility in the event of non-response

- 17.—(1) This regulation applies where—
- (a) the registration officer has given first and second review notices to a relevant person, and

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- (b) the relevant person has not responded within a reasonable time from the date of the second review notice.
- (2) Where this regulation applies, the registration officer must send a notice to a relevant person (a “notification of possible ineligibility”) which must—
 - (a) include the information set out in regulation 16(3),
 - (b) state the date of issue of the notice, and
 - (c) state that if within 14 days beginning with the date of issue the registration officer has not received the information requested—
 - (i) the registration officer may determine that the person is no longer eligible to vote in a PCC election, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.
- (3) A notification of possible ineligibility must be delivered to the relevant person by paper communication to the person’s address, accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.

Commencement Information

I17 Reg. 17 in force at 7.5.2024, see [reg. 1\(2\)](#)

Requirement to attempt personal contact with relevant person

- 18.—**(1) This regulation applies where—
- (a) a registration officer has issued a notification of possible ineligibility to a relevant person,
 - (b) the relevant person is not registered pursuant to—
 - (i) a declaration of local connection under section 7B of the 1983 Act,
 - (ii) an application for anonymous entry under section 9B of the 1983 Act, or
 - (iii) a service declaration,
 - (c) the relevant person is aged 16 or over,
 - (d) the relevant person has not responded to the notification of possible ineligibility, and
 - (e) the registration officer has not previously attempted to contact the relevant person by telephone or by visiting the address.
- (2) Where this regulation applies, within 7 days beginning with the date of issue of a notification of possible ineligibility the registration officer must attempt to contact the relevant person either by telephone or by visiting the address, to—
- (a) obtain information requested in the notification, or
 - (b) encourage the relevant person to provide the information requested.
- (3) Where this regulation applies, a registration officer must not determine that the relevant person has ceased to satisfy the eligibility criteria before the registration officer has attempted to contact the relevant person in accordance with paragraph (2).
- (4) In this regulation, the “address” means the address to which the first or second review notice under regulation 16(1) or (5) was delivered.

Commencement Information

I18 Reg. 18 in force at 7.5.2024, see [reg. 1\(2\)](#)

Request for further information

19.—(1) The registration officer may request further information from a relevant person, including information that may be requested of an applicant for registration under regulation 26BA and 26BB of the 2001 Regulations(15), where—

- (a) the registration officer has sent a first or second review notice or notification of possible ineligibility to the relevant person, and
- (b) the relevant person has responded but the registration officer considers further information is necessary for the officer to be satisfied that the relevant person satisfies the eligibility criteria.

(2) A request for further information pursuant to paragraph (1) may be given to the relevant person by sending it to the person’s address, or by electronic means, and must—

- (a) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
- (b) state that if by a specified date that is a reasonable time after the request was issued the registration officer has not received the information requested—
 - (i) the registration officer may determine that the relevant person has ceased to satisfy the eligibility criteria, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

Commencement Information

I19 Reg. 19 in force at 7.5.2024, see [reg. 1\(2\)](#)

Confirmation of continued eligibility following review

20.—(1) Where, in accordance with this Chapter, a registration officer determines that the relevant person continues to satisfy the eligibility criteria, the registration officer must—

- (a) send a confirmation notice to that person in accordance with paragraph (2), and
- (b) mark the person’s name in accordance with regulation 42(3B) of the 2001 Regulations(16).

(2) A confirmation notice under paragraph (1) must—

- (a) be sent to the person’s address, or by electronic means,
- (b) state that eligibility criteria under section 52(1C) of the 2011 Act for a citizen of a member State to vote in PCC elections have changed,
- (c) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales, and
- (d) state that the registration officer has determined that the relevant person continues to satisfy those criteria.

(15) Regulation 26BA is inserted by regulation 34 of this instrument.

(16) Paragraph (3B) is inserted by regulation 35(b) of this instrument.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

[^{F6}(3) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (1).]

Textual Amendments

F6 Reg. 20(3) inserted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(4), **16(6)**

Commencement Information

I20 Reg. 20 in force at 7.5.2024, see [reg. 1\(2\)](#)

Procedure for determination of ineligibility following response to communications

21.—(1) This regulation applies where—

- (a) a relevant person has responded to a notice, notification or request under regulations 16 to 19 or has provided requested information in response to the registration officer making contact with that person, and
- (b) the registration officer is not satisfied that the relevant person continues to satisfy the eligibility criteria.

(2) The registration officer must send a notice to the relevant person’s address, which must—

- (a) state the date of issue of the notice,
- (b) advise that eligibility criteria under section 52 of the 2011 Act for a citizen of a member State to vote in PCC elections have changed,
- (c) state that the registration officer is of the opinion that the relevant person has ceased to satisfy the eligibility criteria, and the grounds for the registration officer’s opinion,
- (d) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
- (e) state that if the relevant person does not notify the registration officer within 14 days beginning with the date of issue that the relevant person requires the review to be heard—
 - (i) the registration officer may determine that the relevant person is not eligible to vote in a PCC election, and
 - (ii) the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances.

(3) The relevant person is entitled to require the review to be heard by notifying the registration officer within 14 days beginning with the date of issue of the notice sent under paragraph (2), and where the relevant person does so the following provisions of the 2001 Regulations apply—

- (a) regulation 31F(2) to (7), and
- (b) regulation 31FZA(1), which applies as if the reference to regulation 31D(2) were a reference to a notice under paragraph (2).

(4) The registration officer may determine that the relevant person has ceased to satisfy the eligibility criteria where—

- (a) the registration officer has delivered the notice under paragraph (2), and
- (b) the relevant person has not requested a hearing within 14 days beginning with the date of that notice.

Commencement Information

I21 Reg. 21 in force at 7.5.2024, see reg. 1(2)

Confirmation of ceased eligibility following non-response to communications

- 22.**—(1) This regulation applies where a relevant person does not respond—
- (a) to a notification of possible ineligibility within the period of 14 days beginning with the date of issue of that notification, or
 - (b) to a request for further information by the specified date in that request.
- (2) Where this regulation applies, the registration officer—
- (a) may determine that the relevant person has ceased to satisfy the eligibility criteria, and
 - (b) if the registration officer does so, must send a notification to the relevant person’s address, containing the information set out in paragraph (3).
- (3) A notification under paragraph (2) must—
- (a) advise that eligibility criteria under section 52 of the 2011 Act for a citizen of a member State to vote in PCC elections have changed,
 - (b) state that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales,
 - (c) state that the registration officer has determined that the relevant person does not satisfy those criteria, and the registration officer’s reasoning for that determination,
 - (d) state that there is no right of appeal against that determination.

Commencement Information

I22 Reg. 22 in force at 7.5.2024, see reg. 1(2)

Eligibility appeals

23. Paragraph 4 of Schedule A1 to the 2012 Order (eligibility appeals)(**17**) applies in respect of a determination under this Chapter that a relevant person has ceased to satisfy the eligibility criteria as it applies to such a determination under that Schedule.

Commencement Information

I23 Reg. 23 in force at 7.5.2024, see reg. 1(2)

CHAPTER 4

Supplementary provisions for Chapters 2 and 3

Applications to register during correspondence-based review

24.—(1) This regulation applies where a registration officer receives an application from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act —

(17) Schedule A1 is inserted by regulation 36(5) of this instrument.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

- (a) following the sending of a first or second review notice, notification of possible removal or request for further information to that relevant person in accordance with Chapter 2, and
 - (b) before the registration officer has—
 - (i) issued a notice pursuant to regulation 11(1) or 13(2), or
 - (ii) made a determination pursuant to regulation 12(4).
- (2) This regulation also applies where a registration officer receives an application from a relevant person pursuant to section 10ZC(1)(a) of the 1983 Act—
- (a) following the sending of a first or second notice of review, notification of possible ineligibility, or request for further information to that relevant person in accordance with Chapter 3, and
 - (b) before the registration officer has—
 - (i) issued a notice pursuant to regulation 20(1), or 22(2), or
 - (ii) made a determination pursuant to regulation 21(4).
- (3) The registration officer must treat information provided within the application in relation to regulation 26(1)(fa) of the 2001 Regulations as a response to a review notice, notification of possible removal or ineligibility or request for information (as the case may be).

Commencement Information

I24 Reg. 24 in force at 7.5.2024, see **reg. 1(2)**

Information about operation of procedures for reviewing entitlement to registration

25.—(1) As soon as practicable after 31st January 2025, a registration officer in England must supply to the Electoral Commission the information required by paragraph (2).

(2) The information referred to in paragraph (1) must be contained in a document which must state the name of the area in respect of which the registration officer has been appointed, and must list the following in respect of that area—

- (a) the number of relevant persons reviewed pursuant to regulation 6,
- (b) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 11 following the review pursuant to regulation 6, and of those—
 - (i) the number of qualifying EU citizens(**18**), and
 - (ii) the number of EU citizens with retained rights(**19**),
- (c) the respective numbers of relevant persons who received—
 - (i) a first review notice pursuant to regulation 7(1),
 - (ii) a second review notice pursuant to regulation 7(5), or
 - (iii) a notification of possible removal pursuant to regulation 8(2),
- (d) the number of relevant persons who received a request for further information pursuant to regulation 10,
- (e) the number of relevant persons treated as having responded to a first or second review notice, notification of possible removal, or request for further information by way of application to register, in accordance with regulation 24,

(18) See section 203A of the Representation of the People Act 1983 (c. 2) for the meaning of “qualifying EU citizen”.

(19) See section 203B of the Representation of the People Act 1983 for the meaning of “EU citizens with retained rights”.

- (f) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 11 following a notice, notification or request under regulations 7 to 10,
- (g) the number of relevant persons to whom regulation 7(2) applies and whose eligibility to remain registered was determined by the registration officer in accordance with Chapter 2, and of those—
 - (i) the number of qualifying EU citizens, and
 - (ii) the number of EU citizens with retained rights,
- (h) the number of relevant persons to whom a notice was delivered pursuant to regulation 12(2),
- (i) the number of relevant persons who requested a review hearing pursuant to regulation 12(2)(d),
- (j) the number of relevant persons to whom a notification was delivered pursuant to regulation 13(2)(b)(i),
- (k) the number of relevant persons whose eligibility to remain registered was reviewed other than in accordance with these Regulations, between the coming into force of this regulation and the end of 31st January 2025, and
- (l) the number of persons registered as qualifying EU citizens or as EU citizens with retained rights as at the end of 31st January 2025.

Commencement Information

I25 Reg. 25 in force at 7.5.2024, see reg. 1(2)

Information about operation of procedures for reviewing eligibility to vote in PCC elections

26.—(1) As soon as practicable after 31st January 2025, a registration officer in Wales must supply to the Electoral Commission the information required by sub-paragraph (2).

(2) The information referred to in paragraph (1) must be contained in a document which must state the name of the area in respect of which the registration officer has been appointed, and must list the following in respect of that area—

- (a) the number of relevant persons reviewed pursuant to regulation 15(1),
- (b) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 20(1), following the review pursuant to regulation 15(1), and of those—
 - (i) the number of qualifying EU citizens, and
 - (ii) the number of EU citizens with retained rights,
- (c) the respective number of persons who, in the course of a correspondence-based review pursuant to these Regulations, received—
 - (i) first review notice pursuant to regulation 16(1),
 - (ii) second review notice pursuant to regulation 16(5), or
 - (iii) notification of possible ineligibility pursuant to regulation 17(2),
- (d) the number of relevant persons who received a request for further information pursuant to regulation 19(1),
- (e) the number of relevant persons treated as having responded to a first or second review notice, notification of possible ineligibility, or request for further information by way of application to register, in accordance with regulation 24,

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

- (f) the number of relevant persons to whom a confirmation notice was sent pursuant to regulation 20(1) following a notice, notification or request under regulations 16 to 19,
- (g) the number of relevant persons to whom [F7 regulation 16(2)] applies and whose eligibility to remain registered was determined by the registration officer in accordance with Chapter 3, and of those—
 - (i) the number of qualifying EU citizens, and
 - (ii) the number of EU citizens with retained rights,
- (h) the number of relevant persons to whom a notice was delivered pursuant to regulation 21(1),
- (i) the number of relevant persons who requested a review hearing pursuant to regulation 21(2)(e),
- (j) the number of persons to whom a notification was delivered pursuant to regulation 22(2), and
- (k) the number of persons registered as qualifying EU citizens or as EU citizens with retained rights as at the end of 31st January 2025.

Textual Amendments

- F7** Words in reg. 26(2)(g) substituted (7.5.2024 immediately before S.I. 2023/1150, reg. 11 comes into force) by The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(4), 16(7)

Commencement Information

- I26** Reg. 26 in force at 7.5.2024, see reg. 1(2)

Electoral Commission requirements

- 27.**—(1) The Electoral Commission must—
- (a) design communications and notices to be used by registration officers under—
 - (i) regulations 7(1)(a), 8(2), 11(1)(a), 12(2) and 13(2)(b)(i), and
 - (ii) regulations 16(1)(a), 17(2), 20(1)(a), 21(2), and 22(2),
 - (b) obtain the approval of the Secretary of State to the communications and notices, and
 - (c) having obtained that approval, make the communications and notices available to registration officers.
- (2) Before giving approval in respect of the design of any communication or notice referred to in paragraph (1)(a)(ii), the Secretary of State must consult the Welsh Ministers.

Commencement Information

- I27** Reg. 27 in force at 7.5.2024, see reg. 1(2)

PART 3

Additional provision related to the franchise change for EU citizens

Date for publication of revised registers for 2024

28.—(1) This regulation applies to the requirement under section 13(1)(a) of the 1983 Act for registration officers to publish, for 2024, revised versions of—

- (a) the registers maintained in respect of areas in England under section 9(1)(a) and (b) of the 1983 Act⁽²⁰⁾;
- (b) the registers maintained in respect of areas in Wales under section 9(1)(a) of that Act.

(2) The date for the end of the period described in section 13(1) of the 1983 Act, being the period during which the revised registers must be published, is 1st February 2025.

Commencement Information

I28 Reg. 28 in force at 7.5.2024, see [reg. 1\(2\)](#)

Eligibility to vote in election to fill vacancy in office of commissioner: transitional provision

29.—(1) This paragraph applies in respect of a PCC election held in a police area in Wales under section 51 of the 2011 Act (election to fill vacancy in office of commissioner)⁽²¹⁾ for which notice of election pursuant to the PCC elections rules⁽²²⁾ is published on or before the end of 31st January 2025.

(2) For the purposes of that election, article 2(1) of the 2012 Order applies as if—

- (a) in the definition of “register of electors”, for sub-paragraph (b)(ii) there were substituted—
 - “(ii) in the case of peers disqualified from voting as an elector at parliamentary elections and relevant citizens of the Union, qualifying EU citizens and EU citizens with retained rights⁽²³⁾ who will have attained the age of 18 on the date of the poll, the register of local government electors;”;
- (b) after the definition of “registration officer” there were inserted—

““relevant citizen of the Union” means a citizen of a member State—

- (a) who is a relevant person for the purposes of Part 2 of the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023, and
- (b) on the date on which notice of election is published, a review of eligibility under Chapter 3 of that Part has not been completed;”.

Commencement Information

I29 Reg. 29 in force at 7.5.2024, see [reg. 1\(2\)](#)

⁽²⁰⁾ Section 9 was substituted by paragraph 3 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

⁽²¹⁾ Section 51 was amended by section 8(5) of the Wales Act 2017 (c. 4) and by paragraph 6(2) of Schedule 8 to the Elections Act 2022 (c. 37).

⁽²²⁾ See article 12(1) of and Schedule 3 to S.I. 2012/1917.

⁽²³⁾ See section 102 of the Police Reform and Social Responsibility Act 2011 (c. 13) for the definitions of “qualifying EU citizen” and “EU citizen with retained rights”.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

PART 4

Amendments relating to applications to register by qualifying EU citizens and EU citizens with retained rights

Amendment of the 2001 Regulations

30. The 2001 Regulations are amended in accordance with this Part.

Commencement Information

I30 Reg. 30 in force at 7.5.2024, see **reg. 1(2)**

Amendment of regulation 3 (interpretation)

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

(a) after the definition of “overseas elector” insert—

““PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;”;

(b) after the definition of “relevant contact details” insert—

““relevant EU applicant” means an applicant who is a citizen of a member State that is not listed in Schedule 6A to the 1983 Act⁽²⁴⁾, other than a citizen of Cyprus, Malta or the Republic of Ireland;”.

Commencement Information

I31 Reg. 31 in force at 7.5.2024, see **reg. 1(2)**

Amendment of regulation 26 (applications for registration)

32. In regulation 26 (applications for registration)—

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

“(fa) in the case of a relevant EU applicant, an indication as to whether the applicant meets the requirements set out in section 203B of the 1983 Act⁽²⁵⁾;”;

(b) in paragraph (3), for sub-paragraphs (b) and (ba) substitute—

“(b) a statement that persons without lawful immigration status are ineligible to register to vote, that registration officers may request checks in relation to an applicant’s immigration status against Home Office records, and that, for persons applying to register as EU citizens with retained rights only, this may include checks in relation to historical immigration status;

(ba) a statement that the following are ineligible to register to vote as local government electors—

⁽²⁴⁾ Schedule 6A was inserted by paragraph 1(12) of Schedule 8 to the Elections Act 2022 (c. 37).

⁽²⁵⁾ Section 203B was inserted by paragraph 1(11) of Schedule 8 to the Elections Act 2022.

- (i) in relation to registration in England, persons who are not Commonwealth citizens, citizens of the Republic of Ireland, qualifying EU citizens or EU citizen with retained rights, or
 - (ii) in relation to registration in Wales, persons who are not Commonwealth citizens, citizens of the Republic of Ireland, relevant citizens of the Union or qualifying foreign citizens;
- (bb) a statement that registration officers may require the applicant to provide additional information in relation to nationality, may carry out checks against Government records, and that, for persons applying to register as EU citizens with retained rights only, this may include checks in relation to historical nationality;
- (bc) a statement that, for applicants in Wales, the application requirement under paragraph (1)(fa) is relevant only in relation to eligibility to vote in PCC elections and not in relation to entitlement to register under section 4 of the 1983 Act;”.

Commencement Information

I32 Reg. 32 in force at 7.5.2024, see reg. 1(2)

Amendment of regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary)

33. In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), before paragraph (11) insert—

“(10A) In relation to the registration of local government electors in England, where a registration officer considers that additional evidence is necessary in order to determine whether the applicant is a qualifying EU citizen or an EU citizen with retained rights, the registration officer may require that the applicant provide them with one or both of the following—

- (a) information enabling the registration officer to verify the applicant’s current or historical immigration status by electronic means, or
- (b) a letter or document issued by the Home Office which indicates the current or historical immigration status of the applicant.

(10B) Where a registration officer has requested additional evidence under paragraph (10A) to determine whether a relevant EU applicant is an EU citizen with retained rights and either—

- (a) the applicant is not able to provide the requested information, or
- (b) otherwise, the registration officer considers it appropriate,

the registration officer may request a statement of eligibility from the applicant.

(10C) A statement of eligibility under paragraph (10B) must be in writing and—

- (a) must include—
 - (i) the applicant’s full name, date of birth, and the address in respect of which the applicant applies to be registered,
 - (ii) the applicant’s full name as at IP completion day and, if different from the name provided under paragraph (i), an explanation for that difference,
 - (iii) confirmation that the applicant is aware that it is an offence to provide false information to the registration officer, and of the maximum penalty for that offence, and

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

- (iv) the date on which it was made;
- (b) must, where required by the registration officer, also include any or all of the following—
 - (i) the date on which the applicant initially resided in the United Kingdom,
 - (ii) the nationality of the applicant as at IP completion day,
 - (iii) the immigration status held by the applicant as at IP completion day,
 - (iv) the applicant’s current immigration status,
 - (v) details of any other forms of immigration status held by the applicant since IP completion day,
 - (vi) details of any addresses in the United Kingdom at which the applicant has resided since IP completion day, and
- (c) may include any other information or be accompanied by any documentary evidence relating to the applicant’s status as an EU citizen with retained rights.”.

Commencement Information

I33 Reg. 33 in force at 7.5.2024, see [reg. 1\(2\)](#)

New regulations 26BA (EU citizens: power to request additional evidence of immigration status or historical residency for purposes of determining eligibility to vote in a PCC election in Wales) and 26BB (EU citizens: power to request additional evidence as to change of name)

34. After regulation 26B insert—

“EU citizens: power to request additional evidence of immigration status or historical residency for purposes of determining eligibility to vote in a PCC election in Wales

26BA.—(1) Where a registration officer considers that additional evidence is necessary in order to determine whether a person who is a citizen of a member State and who makes an application under section 10ZC of the 1983 Act in Wales is eligible to vote in a PCC election, the registration officer may require that person to provide the registration officer with one or both of the following—

- (a) information enabling the registration officer to verify the person’s current or historical immigration status by electronic means;
- (b) a letter or document issued by the Home Office which indicates the current or historical immigration status of the person.

(2) Paragraphs (10B) and (10C) of regulation 26B apply following a request under paragraph (1) as they apply following a request under paragraph (10A) of that regulation.

EU citizens: power to request additional evidence as to change of name

26BB.—(1) Paragraph (2) applies where—

- (a) a person has made an application under section 10ZC of the 1983 Act to register as a local government elector, and
- (b) the applicant’s name on an electronic certificate or document provided in accordance with regulation 26B(10A) to (10C) or 26BA is different from the name provided in accordance with regulation 26(1)(a).

(2) Where this paragraph applies, the registration officer may require the applicant to provide—

- (a) an explanation as to the difference in name, and
- (b) such other evidence as the officer considers appropriate that confirms the change of the applicant’s name.”.

Commencement Information

I34 Reg. 34 in force at 7.5.2024, see reg. 1(2)

Amendment of regulation 42 (marking of names)

35. In regulation 42 (marking of names)—

- (a) in paragraph (3)—
 - (i) for “To” substitute “Subject to paragraph (3B), to”;
 - (ii) after “electors” insert “in Wales”;

(b) after paragraph (3A), insert—

“(3B) To indicate that a relevant citizen of the Union who is registered only in the register of local government electors in Wales is also a qualifying EU citizen or an EU citizen with retained rights, the letter “B” shall be placed against the person’s entry.

(3C) To indicate that a qualifying EU citizen or an EU citizen with retained rights is registered only in the register of local government electors in England, the letter “B” shall be placed against the person’s entry.”.

Commencement Information

I35 Reg. 35 in force at 7.5.2024, see reg. 1(2)

PART 5

Amendments relating to Police and Crime Commissioner elections

Amendment of the 2012 Order

36.—(1) The 2012 Order is amended as follows.

(2) In article 2 (interpretation), in the definition of “register of electors”, in sub-paragraph (b), for “relevant citizens of the Union” substitute “qualifying EU citizens and EU citizens with retained rights”.

(3) Before article 4 (effect of register of electors) insert—

“Procedure for reviewing voter eligibility in PCC election in Wales

3A. Schedule A1 (procedure for reviewing voter eligibility to vote in PCC elections in Wales) has effect in relation to PCC elections in Wales.”.

(4) In article 4 for paragraph (4)(b)(iii) substitute—

“(iii) a qualifying EU citizen or an EU citizen with retained rights;”.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023. (See end of Document for details)

(5) Before Schedule 1 (supply of register) insert the new Schedule A1 as set out in Schedule 1 to these Regulations.

(6) In Schedule 2 (absent voting in PCC elections), in Part 4 (forms referred to in Parts 1 to 3 of this Schedule), for form 1 (proxy paper at particular PCC election) substitute the corresponding form in Schedule 2 to these Regulations.

Commencement Information

I36 Reg. 36 in force at 7.5.2024, see [reg. 1\(2\)](#)

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

37. In Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 (Welsh and English versions of prescribed forms)([26](#)), for form 1 (proxy paper) substitute the corresponding form in Schedule 3 to these Regulations.

Commencement Information

I37 Reg. 37 in force at 7.5.2024, see [reg. 1\(2\)](#)

PART 6

Amendments relating to business referendums

Amendment of the Neighbourhood Planning (Referendums) Regulations 2012

38.—(1) Schedule 6 to the Neighbourhood Planning (Referendums) is amended as follows.

(2) In paragraph 1 (interpretation)—

(a) omit the definitions of “citizen of the European Union” and “qualifying Commonwealth citizen”;

(b) for the definition of “qualifying citizen” substitute—

““qualifying citizen” means a person who is—

(a) a qualifying Commonwealth citizen within the meaning given by section 4 of the 1983 Act,

(b) a citizen of the Republic of Ireland,

(c) a qualifying EU citizen within the meaning given by section 203A of the 1983 Act, or

(d) an EU citizen with retained rights within the meaning given by section 203B of the 1983 Act.”.

(3) In Part 11 (appendix of forms), for form A (non-domestic rate-payer registration form) and form B (voting choices form) substitute the corresponding forms in Schedule 4 to these Regulations.

Commencement Information

I38 Reg. 38(1)(2) in force at 7.5.2024, see [reg. 1\(2\)](#)

(26) S.I. 2021/291, amended by S.I. 2022/1382.

I39 Reg. 38(3) in force at 26.10.2023, see [reg. 1\(2\)](#)

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

25th October 2023

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

Status:

Point in time view as at 07/05/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023.