

STATUTORY INSTRUMENTS

2023 No. 1150

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

PART 4 **E+W**

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

Amendment of the 2001 Regulations **E+W**

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

Commencement Information

11 [Reg. 30](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

Amendment of regulation 3 (interpretation) **E+W**

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(1), other than a citizen of Cyprus, Malta or the Republic of Ireland;”.

Commencement Information

12 [Reg. 31](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

Amendment of regulation 26 (applications for registration) **E+W**

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(2);”;

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

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

- (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—
- (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

I3 [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) E+W

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
 - (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

I4 [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)

E+W

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

I5 [Reg. 34](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

Amendment of regulation 42 (marking of names) E+W

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

I6 [Reg. 35](#) in force at 7.5.2024, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023, PART 4.